

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SEVENTH DAY
APRIL 30, 2002**

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS
TRANSCRIBED BY DONNA BARRETT AND ALISON MAHONEY

1

(THE MEETING WAS CALLED TO ORDER AT 5:38 P.M.)

P.O. TONNA:

All rise for the Pledge. First, we do a roll call. Guys, sit down for a second. This thing usually takes, you know, a few minutes.

MR. BARTON:

Good evening, Mr. Chairman.

P.O. TONNA:

Good evening.

(ROLL CALLED BY MR. BARTON)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not present).

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

(Not present).

LEG. HALEY:

Here.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
(Not present).

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

MR. BARTON:
Mr. Guldi is present.

LEG. NOWICK:
Here.

2

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
(Not present).

LEG. POSTAL:
Here.

LEG. TONNA:
Here.

MR. BARTON:
15 Legislators present.

P.O. TONNA:
All rise for the Pledge led by Legislator Guldi.

SALUTATION

P.O. TONNA:

Thank you very much. Okay. Legislator Haley, I'd like to recognize you for the purpose of -- this is our clergy introduction.

LEG. HALEY:

Thank you. Thank you, Mr. Chairman. Good evening, everyone. I'd like to introduce someone who's not only a tremendous inspiration to her church, the Middle Island Christian Fellowship, but an inspiration in her community. Her and her husband Joe, who used to run the show, now Linda does, right, they do an awful lot. One of the things that I think is very significant, I want my fellow Legislators to understand this is we have a Criss Cross Program in the County of Suffolk and the Leccis have volunteered to implement that Criss Cross Program for the benefit of the Longwood School District which covers three Legislative districts. So I think that's significant to note for future reference, especially next year's budget, Mr. Chairman, especially next year's budget.

LEG. CARACAPPA:

As long as you vote for it.

LEG. HALEY:

As long as I vote for it? Okay. In any case, this woman is not only an inspiration to her church, but an inspiration to her community and an inspiration to me. Ladies and gentlemen, Linda Lecci. Pastor Lecci; is that correct, Joe? Pastor? All right. I want to make sure I get it correct.

PASTOR LECCI:

You did. Thank you. Would you be seated just for a moment. Legislator Haley told me that once I had the mike, the show was mine. So you never give a woman a mike and say those words. I do really just want to take a moment and thank you for the privilege of being

3

able to pray with you, especially because I'm sure most of you know or maybe all of you know that this Thursday, our country observes its 51st Annual National Day of Prayer. And public prayer and national days of prayer are something that are greatly held in our American tradition. It started in 1775 with the Continental Congress asking the colonies to pray for wisdom in the forming of this great nation. In 1863, President Lincoln proclaimed a Day of Humiliation and Prayer and Fasting for the country. In 1952, there was a joint resolution of the Congress signed by President Truman calling for an Annual National Day of Prayer, and in 1988, President Ronald Reagan signed a -- amended the law to make the first Thursday of every May a Day of National Prayer.

Well, prayer is something. Many of the founders of our country were

men of prayer. Prayer is something that our -- the founders -- they turned to God during times of need, of unrest, of anxiety, times of crisis. And certainly today in America is no different. Certainly today we don't want to make prayer just an empty ritual that we go through, because on September 11th, it was not only the ground of New York City that was rocked, it was not just Wall Street that was rocked, it was not just the families that lost loved ones that was rocked, it was the American psyche that was rocked. When we found that we were not as safe perhaps as -- perhaps we thought we were. And so once again, I believe all across this wonderful land, people are again turning to prayer and turning -- going to their houses of worship to once again look up to God, the one to whom we really -- our safety really does belong. And there is a Reverend Lloyd {Oberevly}, who's one of my favorite authors, happens to be the Chaplain of the United States Senate, and he has issued a prayer that he asks would be read at 12 o'clock noon on Thursday all across the land. I'm sorry I don't have copies for all of you sitting out there, but I have a copy for each Legislator, and I thought that it would be fitting if we could -- if the Legislators could stand with me, and we could read together this prayer from the Chaplain of the United States Senate.

Would you please follow with me. Gracious God, all that we have and are is a result of your amazing generosity. Since September 11th, in the battle against terrorism, we have discovered again that you truly are our refuge and strength and ever present help in trouble. We rededicate ourselves to be one nation under you, in you we trust. We reaffirm our accountability to you, to the absolutes of your commandments, and to justice in our society. Bless our President, Congress, and all our leaders with supernatural power. We commit ourselves to be faithful to you as sovereign of our land, and as our personal Lord and savior. Amen.

May I just -- you may be seated. May I just spend another minute praying for this distinguished panel here, the Legislators of Suffolk County? I would just like to pray a moment for you. Father in heaven, we know that the enemies of our country desire to bring us to our knees. In fact, Father, they have succeeded. What they did not know is that when we got to our knees, it would be you we would be looking to. So, Father, once again, we do raise our eyes to you, and we ask you for your continued mercy and blessing on America. Father, we ask you that once again the values that have founded this great country would be our values. Father we ask you to call us once again

to commitment and self sacrifice. We ask you to call us again to justice, Lord, for the love of democracy. Lord, we pray against terrorism in every form. We pray against terrorism in this country. We pray against terrorism even in our own county, Lord. We pray against the terrorism of hopelessness and poverty, Father. We pray against the terrorism of gangs and violence, oh God, even in our own

streets. Father, we pray for your continued mercy and grace. And Father, just as a constituent, as a taxpayer myself, I want to ask you as I stand in the stead of all the taxpayers of Suffolk County, and ask you to forgive us for not praying more for these dedicated men and women who have given their lives, Father, to serve us. Well, Father today I do pray for them. I pray, Father, that you'll make them great men and women, great men and women with great influence. I pray that they will always stand for their conscience, Lord. I pray that they'll stand for values, Father, that rather than asking whether you're on our side, we'll say, Lord, we want to be -- we want to be men and women on your side. I pray, Father, for them. I pray for their personal families, their personal struggles. I pray for their health, and I pray, Father, that you'll give them wisdom in their decisions, Lord. Father, I pray for your blessing upon them. I pray for your blessing upon this meeting. We pray, Father, for your blessing upon Suffolk County, our families, Lord. Bring healing where there needs to be healing. Bring hope where there needs to be hope. Where there's fear, Lord, rise up again, you are the one who brought light out of chaos and darkness. And we ask -- we say that you can do it again. Father, where there are communities that need your light and life, we pray that you do it again. So Father, I ask for your blessing today on this meeting. I pray that you bring unity to the men and women at this table. We pray that we'll be guided, Lord, that we'll see your hand guiding us in dark times. Lord, I pray for an abundant blessing on these men and women. Make them great men and women of influence for we ask it in your name. Amen.

P.O. TONNA:

Thank you very much.

PASTOR LECCI:

You're welcome.

P.O. TONNA:

Okay. I'd like to recognize Legislator Caracciolo for a moment of silence. Mike.

LEG. CARACCILOLO:

Yes.

P.O. TONNA:

Let's all stand for a second, please.

LEG. CARACCILOLO:

Mr. Chairman, a little over a week ago, a resident of this great County, a constituent, a friend, a former member of the Riverhead Town Board, father of our own Karen Levasseur, one of the staff members here in the Legislature, passed away Vince Artell. I would ask that everyone bow their heads for a moment of silence and silent prayer on his behalf and for his family.

MOMENT OF SILENCE

P.O. TONNA:

Thank you very much, Michael. I'd like to recognize Legislator Angie Carpenter, for the purposes of our Volunteer Recognition Awards. And I ask as we tried to do last year, we're going to bring all the volunteers up in front of us. Angie's going to call out their names, and then we'll be able to go take pictures with them.

MS. BURKHARDT:

She has another plan, Plan B.

P.O. TONNA:

Okay. I'll leave it to Legislator Carpenter's own desire.

LEG. CARPENTER:

Thank you very much, Presiding Officer Tonna, I appreciate it. What I think we're going to do, we were asked instead of each of us speaking about our volunteers that I have a brief little snapshot of each, and I will read it. And if you could, when I call your name and your volunteers, if you would just come forward and the photographer get a picture of the both of you, and this way we can move it along. Bob, where do you want them, over on the side there or up front? Front and center?

MR. STROVINK:

Up front between the plagues would be nice, sure.

LEG. CARPENTER:

Great. Terrific. I will step over to the side so you get a good shot. In the front. In the front. Okay. We're going to start -- I was going to reverse things, but since you're ready, Legislator Guldi, since you were the first and it's probably very appropriate, Legislator George Guldi and his honoree Mark Gregory from East Quogue who is a firefighter, and I think that really says it all. And you can applaud.

APPLAUSE

LEG. GULDI:

That's an understatement to say Mark Gregory is a firefighter, in his spare time he saves lives.

LEG. CARPENTER:

All of our firefighters are very special, but it seems from this bio I was handed that firefighter Mark Gregory is ever so special because he has saved many lives, and we appreciate it. Thank you.

APPLAUSE

Our next Legislator, Legislator Fred Towle and his very special honoree, Pat Matthews from Shirley. Pat has been very, very instrumental in the summit that takes place in the Legislative district and has also been active in many beautification endeavors. And from what Legislator Towle says, the list goes on and on. Thank you.

6

APPLAUSE

LEG. CARPENTER:

Next we have Legislator Joe Caracappa and his very special volunteer Matt Miller from Ronkonkoma. Matt has been very active in the chambers, serving as a member for ten years, Vice-President of the Brookhaven Chambers of Commerce Coalition, Mac Arthur Business Alliance, hosted many fund raisers and the list again, goes on and on.

LEG. CARACAPPA:

Congratulations. You deserve it.

APPLAUSE

Thank you. Next we have Legislator Vivian Fisher and her special honoree Don Garber from East Setauket, who has been very involved in civic associations, also with Brookhaven Lab and also part of the Committee of the Greening of 25A.

LEG. FISHER:

And his list goes on and on.

LEG. CARPENTER:

And his list goes on and on.

APPLAUSE

Next we have from the Eighth Legislative District, Legislator Bill Lindsay, and his honoree, Warren Roser from Holbrook.

APPLAUSE

It's so incredible when you see some of the things, and Mr. Roser, I'm sure we're not going to be surprised that he's involved in the Boy Scouts, but also in the Chamber and many, many other endeavors in the Holbrook community.

LEG. LINDSAY:

Warren does everything, everything.

LEG. CARPENTER:

And Warren does everything.

LEG. LINDSAY:
Everything.

LEG. CARPENTER:
And coming from Legislator Lindsay, that means a lot.

APPLAUSE

Next we have Legislator Ginny Fields and her honoree, Noel Bonilla, who is very involved in Central Islip with the civics in that community, and also was the founder of the Suffolk County Hispanic Bar Association.

7

APPLAUSE

I think by the time we're through this evening, you'll really get a flavor of how truly blessed we are as a County to have so many people who are giving so much of themselves back to their communities. The next is Legislator Cameron Alden whose honoree was not able to be here today who's Tony Felicio from the Brentwood Board of Education has been a member of that Board of Education for over 32 years. Next we have Legislator Andrew Crecca and his honoree Eleanor Scott, who I think is a name that many of us are familiar with. Eleanor is the organizer of the Long Island Senior Games, is the Executive Director.

APPLAUSE

She's also a literacy volunteer. I know that's a --

LEG. CRECCA:
And a black belt in karate.

LEG. CARPENTER:
And a black belt in karate, so don't mess with Eleanor. Next I'd ask Legislator Lynne Nowick to come forward with her special honorees, Mildred and Ted Landy from Centereach.

APPLAUSE

Mildred and Ted together have given over 32 years of love and encouragement to the residents of the St. James Plaza Health Facility.

APPLAUSE

Legislator David Bishop's volunteer was not able to be here either, from Lindenhurst Chris Wittneben who --

LEG. BISHOP:

Will be here next time.

LEG. CARPENTER:

Next meeting. Thank you. Next we have Legislator Maxine Postal and her honorees, Willy and Valerie Vanenburg Tutt from Amityville who are the founders of a youth organization, they created the youth organization and have made a difference in so very many lives in the Amityville community and probably well beyond.

APPLAUSE

Thank you very much. Next we have Legislator Allan Binder. Legislator Allan Binder from Huntington and his honoree, Walter Rabe from Greenlawn. Walter is the President of the Greenlawn Civic Association, and involved in every aspect of civic organizations, it seems, and I think what Legislator Binder said about his volunteer probably could be replicated for each and every volunteer, he just never says no.

APPLAUSE

8

Next we have Presiding Officer Paul Tonna and his special volunteer, Pat Sforza from Deer Park. Pat is well renowned for all of her civic activism and certainly has made a real difference in Legislator Tonna's district.

APPLAUSE

Thank you. It's so special to see friends and family, and I see members of the Boy Scout Troop here celebrating with the honorees, and I think that probably makes it ever so more special for each of them. Next we have Legislator Jonathan Cooper and his volunteer is Joyce Squires from East Northport. And Joy has been involved in every aspect of environmental causes and conservation. And as Legislator Cooper is fond of referring to her as mother nature.

APPLAUSE

We went a little bit out of order, and I'd like to thank my special volunteer if she would please come forward, Marie Pecorale, who has been involved in organizing the West Islip Country Fair. This year will be the 26th year and every other organization in the community, she's been involved in. Congratulations, Maria.

APPLAUSE

P.O. TONNA:

Okay. Let's go on with the agenda. I'm so sorry.

LEG. CARPENTER:

Join us. Join us.

P.O. TONNA:

Just goes to show you the low quality that you have for Presiding Officer. Okay. Now we go to our public portion, and I have -- right?

MR. SABATINO:

Yes.

P.O. TONNA:

I'd ask all Legislators please come to the horseshoe. All Legislators, please come to the horseshoe. I'm going to ask for literally a one minute recess until everybody comes in, and I'll call the meeting in 60 seconds. Thank you.

(* A RECESS WAS TAKEN FROM 6:03 P.M until 6:04 P.M. *)

P.O. TONNA:

Okay. I'd like to also -- oh. There is two in -- both Packs 607, the Cub Scouts and Troop 1225, guys, congratulations. I'm an Eagle Scout, so whenever I see you guys in your uniforms, that's great. So congratulations, guys.

I would ask all Legislators to please come to the horseshoe. All right. Henry, roll call. I need ten. Round them up, Linda.

9

(ROLL CALLED BY MR. BARTON)

LEG. CARACCIOLO:

(Not present).

LEG. GULDI:

(Not present).

LEG. TOWLE:

(Not present).

LEG. CARACAPPA:

Here.

LEG. FISHER:

(Not present).

P.O. TONNA:

Okay round them up out of the lobby.

LEG. HALEY:

(Not present).

LEG. FOLEY:
Present.

LEG. CARACCIOLO:
Here, Henry.

P.O. TONNA:
All Legislators please come to the horseshoe.

LEG. LINDSAY:
Here.

P.O. TONNA:
We got them in now.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.
LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

10

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

P.O. TONNA:
Here.

P.O. TONNA:
How many present?

MR. BARTON:

14.

P.O. TONNA:

Thank you very much. The first speaker, Eric Russo from the Suffolk County Water Authority, Board Member. Thanks, Eric. Just check that the mike is on. Eric, just for the record, I want you on know that I love your haircut.

MR. RUSSO:

Not a problem. Thank you. Mr. Presiding Officer and members Suffolk County Legislature, thank you for allowing me the opportunity to come before you today. I have served as a member of the board of the Suffolk County Water Authority for 11 years as a result of my appointment and subsequent two reappointments by this body. Over the past several weeks, I have learned of and witnessed the actions taken by the Chairman of the Board, the Chief Executive Officer and other staff members of the Suffolk County Water Authority as they took place concerning the reappointment of one of our board members. It is not within the purview of a board member of the Suffolk County Water Authority to select any member who will serve on our board, nor is it the responsibility of the Chairman of the Board, the Chief Executive Officer or any of our Suffolk County Water Authority staff members.

The selection process is left to you as a function of the Suffolk County Legislature. The Suffolk County Water Authority customers and ratepayers should not expect anything less than pure clean safe drinking water at the lowest possible cost. This public authority, which you have entrusted to the care of the Suffolk County Water Authority Board Members, should not misuse or abuse the trust that you as elected officials on behalf of your constituents have selected based upon our qualifications. The recent dissemination of information from the Suffolk County Water Authority was libelous and without notification, discussion and approval of the Suffolk County Water Authority Board as a body. I wish to express my grave concern as to what was done and join in your request for accountability. I have submitted my response to Presiding Officer Tonna's letter of April 23, 2002, and would be available at a later date to respond to any specific questions you may have. The reason that I state that is because we have a meeting scheduled this evening at seven o'clock in Oakdale. And I thank you for your time.

11

LEG. CARACCILO:

Mr. Chairman.

P.O. TONNA:

Thank you very much. Sure, Legislator Caracciolo. And just Eric, we have a question. I just want to make everyone aware that I know that board members have a seven o'clock meeting, so -- but anyway, go ahead.

LEG. CARACCIOLO:

I will try to keep this brief, but I think it's also important, given that we have the potential of reappointing a current board member, or otherwise this evening, that some of the issues that are swirling regarding a building in Coram that is now owned by the Water Authority on which there has been called into question structural defects. First, were you on the board at the time that building was purchased?

MR. RUSSO:

Yes, I was.

LEG. CARACCIOLO:

To what extent did you have knowledge of the condition of that building?

MR. RUSSO:

At the time of the purchase? We were provided whatever information was given as to engineering reports at that time for the structure.

LEG. CARACCIOLO:

Was there discussion about any defects in the roof of that facility?

MR. RUSSO:

I honestly don't recall that specific point. I do remember that I knew that when we were going in we were going to make renovations, and that whatever renovations we needed to make to accommodate our use and needs would be made. And so it would be taken into account in terms of the structural renovations.

LEG. CARACCIOLO:

How was that property brought to the board's attention for possible acquisition and use?

MR. RUSSO:

I don't recall that. I would have to go back and look through my office files and try and find the memorandums regarding that, and I'd had been happy to do that and try and bring you that information.

LEG. CARACCIOLO:

And finally, subsequent to the structural defects that were called to the public's attention, what remedies, what actions were taken and when were they taken and in terms of a timetable, when they became -- when they came to the attention of the appropriate individuals at the Water Authority be it the board members, the CEO or others in management?

MR. RUSSO:

They were brought to the attention of the CEO and the Chairman of the Board in the beginning of the year, and it was discussed with the Board members and actions were taken accordingly.

LEG. CARACCIOLO:
Which year was that?

MR. RUSSO:
This year.

LEG. CARACCIOLO:
Okay. Thank you very much.

P.O. TONNA:
Thank you very much.

MR. RUSSO:
Thank you.

P.O. TONNA:
Thank you. John Gee.

MR. GEE:
Mr. Presiding Officer.

P.O. TONNA:
Yes.

MR. GEE:
Members of the Legislature, my name is John Gee, I'm a Board Member of the Suffolk County Water Authority. I appear before you today to protest as briefly and concisely as I can the actions taken by those in the Suffolk County Water Authority responsible for the events of the past two weeks. Without my specific approval, they placed adds and websites, they were inflammatory, slanderous, irrational and unprofessional. These tactics caused Suffolk residents to be concerned about the safety of their water and did not offer them a way to ensure that there was nothing wrong with that water. This kind of activity after the events of September the 11th is not only irresponsible, but comes very close to being criminal. You and only you, the elected representatives of our County government, are chartered by law to select those persons you feel should be the board members of the Suffolk County Water Authority. Any attempt to interfere in that process is unacceptable to me, and I will not support it. Thank you for allowing me to address you today.

P.O. TONNA:
Thank you very much. Richard Amper. Thank you, John.

MR. AMPER:
Chairman, members of the Legislature, I'm here for two bits of business, and I'll make it very, very brief. I want to commend the

Executive and Legislative Committees that worked to get passed this problem with the Real Estate Department that we've had. It was very,

13

very difficult for all of us, but I want to also commend Legislator Bishop's committee in trying to address and reconcile the real solutions versus all of the things that should be left to law enforcement to do. I think with any luck if -- as the Omnibus Bill comes before you this evening, that we can put behind us the Legislature's involvement in this very sorry chapter and get back to the very, very important business of protecting drinking water and preserving open space. I urge you to do that. We fully support the law enforcement efforts that are in place, but most of you have communicated to us your willingness to make April 30th be the end of the Legislature's involvement in this very sad affair. And I hope that with will now move on and continue a program about which all of you will be very proud.

I also told the Environmental Committee last week that I am rarely the person who tries to calm the waters, but as you deal with the problem of the Suffolk County Water Authority I want to say simply three things; we all condemn the advertising campaign that was inadvisably advanced by the management at the Water Authority. On the other hand, it was a reaction to something else, a politicization, if you would, of the process of controlling the Water Authority. We think that Water Authority needs to be independent, but accountable to you people. You do that by how you move ahead and how you responsibly put the environment in front of politics. The second point I would make is you have before you a candidate still in committee you have to call that person up, a candidate that has done an unbelievably good job with all his expertise. He's made Suffolk County proud, he's got a national reputation, and to take him out of office because of the politics of someone else is not really the kind of thing that this Legislature stands for, and you don't have to do it. Many people have expressed concern about Mr. LoGrande's continued management, they've asked me for several days to please try to obtain some reconciliation of this matter. I am persuaded that it is his intention to retire, and if the Legislature -- that be the Legislature's will, then so be it. But it would be a very bad step for us to take a good environmentalist out, to put a pretty good one in, because it's going to look to all of us as though politics has interfered with the Water Authority, and I don't think very many of you want to do that.

I want to just conclude, because in the process of trying to listen to Mr. LoGrande and listen to Mr. Tonna and try to put the environment in front of any possible partisanship or any possible special interest or other concern, I have had just one thing in front of me, and that is we need to do the right thing by the environment. And in our heart of hearts, if we need to make a change at the Water Authority by having somebody who we do not think should be there leave, that's one

thing, but I don't think Jim Tripp is that person. And I don't think you should engage in that, I don't think you should descend to that. I think we just give life to those who say that the reason this conflict occurred is because the Legislature wanted to play games with the Water Authority. I don't believe you want to do that, I urge you not to do that. This thing can be resolved in a matter of weeks and before Mr. Tripp's term ends. Let's give everybody a chance to do the right thing. We can do that. Thank you very much.

14

P.O. TONNA:

Thank you very much, Mr. Amper.

APPLAUSE

P.O. TONNA:

Jim Tripp. Jim.

MR. TRIPP:

Good evening.

P.O. TONNA:

Good evening, Jim.

MR. TRIPP:

Mr. Presiding Officer, other members of the County Legislature, I'm just here to answer questions. I testified I think it was a week ago before the committee. So that's why I'm here.

P.O. TONNA:

Okay. Any questions? Okay. Mr. Tripp, I just -- I do have just one -- I have to -- you have anything that you might want to add, say or anything else like that as an opportunity? No?

MR. TRIPP:

I don't think so.

P.O. TONNA:

Okay. Thank you very much, sir. Yeah, go ahead.

LEG. ALDEN:

For those of us who are not on the committee, are we going to get a summary or something as far as his testimony?

P.O. TONNA:

You know, I've never none that to be the past when, you know, you have that opportunity right away, so, no.

LEG. FOLEY:

Mr. Chairman, if I may.

P.O. TONNA:

We're not -- no, this is --

LEG. FOLEY:

Could I answer his question?

P.O. TONNA:

No. Can I just say something? This is the time for the public to speak. I'm sorry, Brian.

LEG. FOLEY:

If he wants information, there's testimony -- there's written testimony that can be distributed to the -- to the other members that we received in committee. And I think written testimony should be

15

distributed to non committee members.

P.O. TONNA:

If we can do that. Henry, if we can do that, let's do that.

MR. BARTON:

Yes.

P.O. TONNA:

Thank you.

LEG. FOLEY:

Okay. Thank you

P.O. TONNA:

I have Michael White. Michael? Thank you, sir.

MR. WHITE:

Good evening, members of the Legislature. My name is Michael White. I'm a resident of Centerport, New York. I'm a statewide Board Member of the New York League of Conservation Voters. I'm also the Chair of the Long Island Chapter of the New York League of Conservation Voters. And I'm here this evening to urge your support for the reappointment of James Tripp to the Board of the Suffolk County Water Authority. I've also provided some testimony at the Environment Committee Meeting before Legislator -- Chairman David Bishop and other members of that committee. There's no doubt that Jim Tripp has impeccable credentials for this responsibility and the position that he's shown his performance and experience in the last 15 years serving that Board of the Suffolk County Water Authority. In fact, I was a former board member of the Suffolk County Water Authority when Mr. Tripp was first appointed in 1987 in a bipartisan or nonpartisan slate of

environmentalists to that board. Mr. Tripp, of course, has gone onto continue to serve that board, as I say, for 15 years.

James Tripp has shown himself to be an independent and not a political voice on the Suffolk County Water Authority Board. Simply put, there's no reason to change. Mr. Tripp deserves your support for reappointment. Now I understand, having been at the committee meeting, that the resolution to appoint Mr. Tripp has not come out of that committee, remains in the committee. There's also an opposing resolution, if I could call it that, that also remains in the committee. However, I understand there's a move a foot in the Legislature to use an extraordinary measure to, in fact, petition the discharge of that opposing resolution out of that committee. In other words, the resolution to appoint the individual, not James Tripp. I urge you not to proceed in this manner, this extraordinary manner, one of which the Presiding Officer of the Legislature has not condoned or respected in the past. Please allow the committee process, the committee deliberation process to proceed to its end. James Tripp, the customers of the Suffolk County Water Authority and the environment should not fall victim to political gamesmanship. Thank you.

APPLAUSE

16

LEG. FISHER:
Question, Mr. Chair.

P.O. TONNA:
Sure. Legislator Fisher.

LEG. FISHER:
Sometimes it's important to revisit history, and I'd like to ask you, which organization, which had its original home in Stony Brook, do you think led the way in protecting our water historically?

MR. WHITE:
It was definitely Environmental Defense Fund, the organization that James Tripp remains as general counsel, now called Environmental Defense.

LEG. FISHER:
What year was that?

MR. WHITE:
I was in fact there early in those -- those years. I would imagining it was the early '70s. And I'm sure Jim Tripp --

LEG. FISHER:
And Jim Tripp is still a member of that organization?

MR. WHITE:

I believe he still serves as general counsel to that organization. I'm sure Mr. Tripp would be willing to give the details.

LEG. FISHER:

You would say that they were the pioneers in protecting our water and seeing the dangers of pesticides in our water.

MR. WHITE:

Absolutely, in a group that Long Island should be proud of this day to have given birth to those people in that organization.

LEG. FISHER:

Well, we certainly are. We certainly are. Thank you, Mike.

LEG. FOLEY:

Question, Mr. Chairman.

P.O. TONNA:

Yes. Legislator Foley.

LEG. FOLEY:

Thank you. Thank you for your comments. If you could just give your sense to the -- to the committee as a whole here on not only -- you mentioned your views on Mr. Tripp, but could you give us the benefit of your understanding of how other, be they national environmental organizations or state environmental organizations, what's Mr. Tripp's reputation not only within the State of New York, but, in fact, nationally, if not internationally and how that relates to the primary

17

mission of the Water Authority, which is clean potable drinking water?

MR. WHITE:

As I stated, Legislator Foley, I've known Jim personally for quite sometime. I've worked professionally with Jim on a number of issues. I've worked with Jim on the Water Authority Board when we were first appointed in 1987. And before that time, going back to the times when Ms. Fisher has discussed until the present day, I continue working with Mr. Tripp. There is no doubt that James Tripp has an international reputation for environmental protection. He's clearly qualified to lead the Water Authority, to continue to lead the Board of the Water Authority as he has in the past on the issues of environmental protection, watershed protection, land acquisition, well head protection. These are issues that national environmental officials and national environmental organizations call upon Jim for analysis and opinion. And I think that the Water Authority and we here in Suffolk County should be very proud to have him serve and

continue to serve.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Thank you, Mike.

MR. WHITE:

Thank you.

P.O. TONNA:

Our in next speaker is Joseph Knight, Senior.

MR. KNIGHT:

Hello. My name is Joseph Knight. I'm a second generation master plumber. I took a test over 20 years ago to get my Master Plumbers License with the Suffolk County. Recently I went to do some work in Islip, and I was told that they would not recognize this license. And I think it's very unfair, because I do have a certificate of competency, and I do work all over Suffolk County. And I thought it wasn't fair that they wouldn't accept this license. I know they accept the home improvement license and electrical license, but for some reason they will not accept the Master Plumbers License. They told me I have to take a test there, which I think is extortion and discrimination. And I think it's not right. I see a lot of these guys from that area working in my area, in Brookhaven Town. I've worked on homes all over Brookhaven Town without a problem except Islip and Babylon and recently, the Village of Lindenhurst and Huntington has decided to reciprocate with us. And I was wondering what's the legal validity of this? Can I work or I can't work there or why is it that I'm not allowed to work there?

D.P.O. POSTAL:

I was going to -- Cameron, did you want to respond or -- because otherwise Legislator Lindsay.

LEG. LINDSAY:

I'll defer to the Chairman, if not, I'll answer it.

18

D.P.O. POSTAL:

Cameron, do you want to respond to this question about plumbing license protection in Islip? There are people --

LEG. ALDEN:

Actually Legislator --

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

To clarify, Mr. White, is it, right?

MR. KNIGHT:

Knight. My name is Knight.

LEG. LINDSAY:

Knight. I'm sorry. Just to clarify your question. First of all, I was unaware that Islip is no longer recognizing our County-wide plumbing license.

MR. KNIGHT:

They haven't from the beginning. I don't want to interrupt you.

LEG. LINDSAY:

They haven't from the beginning.

MR. KNIGHT:

That's correct, and Babylon Township also.

LEG. LINDSAY:

Concerning licensing, the towns have the option of requiring separate licensing. We discourage that as a practice, because what it creates is a hodgepodge of licenses all over the place. And the next thing you know, we'll be like Nassau County. If I'm not mistaken, in Nassau County to be a tradesman, a plumber or an electrician, you have to carry like 24 different licenses, which is a horrible way of doing business. And, you know, maybe through the Chair of the Consumer Affairs Subcommittee, you know, maybe we can -- to try and contact the Supervisors of Babylon and Islip to see if we can get them to accept the County-wide licensing, you know.

MR. KNIGHT:

Well, the thing that upsets me, I've been in business for 20 years. I've never been sued, have any complaints against me, I'm legitimate. The whole purpose of the license was to make sure you had professionals come to your home to begin with. And, you know, we all have to follow state code, so it doesn't matter where you work. The plumbing's the same no matter which house you work in, no matter where you work. And I know that part of Suffolk County as far as I'm concerned, didn't succeed.

LEG. LINDSAY:

But the issue is the smaller the jurisdiction that wants to Implement local licensing, the less their ability to enforce that law. It's done on a much better basis on a County-wide basis. It -- you know,

the test is uniform, it's designed by a board of your peers. You know, it's really a good system, and there's physically -- the County Consumer Affairs Bureau physically has inspectors in the field to make sure that consumers aren't ripped off by unlicensed tradespeople.

D.P.O. POSTAL:

Thank you. Legislator Lindsay, I know Legislator Alden has an update, but before you do, if I could just make an announcement. There's a gray four-door Ford, license plate number DS347E, with its lights on. It's parked right in this road that comes past the Legislative building. That's a four-door gray Ford, DSE -- DS347E, your lights are on. Legislator Alden.

LEG. ALDEN:

I would invite you down to the next Consumer Protection Committee Meeting if you want to. It's an ongoing -- and I'm not going to say it's a problem, but it's an ongoing negotiation that right now is occurring between Suffolk County and the towns to try to get reciprocity on a town-wide basis that would be County-wide. The problem came up, and we addressed it in the committee last year where a Babylon plumber couldn't get -- he couldn't use his Suffolk County license in Babylon. So that's where the problem -- you know, we became aware of it. We had the consumer protection -- Consumer Affairs -- he's not a commissioner, but he's the head of Consumer Affairs.

LEG. BISHOP:

Director.

LEG. CARPENTER:

Director.

LEG. ALDEN:

Charles Gardner, he's a director. Thank you, Legislator Carpenter. The Director of Consumer Affairs has been under -- well, he's in negotiations with Babylon to try to get some kind of a reciprocity, like I said before, and make this more of a County-wide type of acceptance on the license with one examination to be taken, one license that they would pay. And even if there's parts to it, if you wanted to do business in multiple towns, you can make parts to it. But there were a couple of things that were put forward, and it is an ongoing thing as far as negotiations. So if you want to come down and address us, I can get you an update from the -- from Charles Gardner the Director. But I can get you an update on that by the director, and we can also tell you, you know, like, some of the plans that we have, you know, in the future to try to get, like, a County-wide license.

MR. KNIGHT:

Like I said, I do have a County license. You know, I did pass the test 20 years ago.

LEG. ALDEN:

No, but I mean where it's accepted in each town, because the same thing occurs out east too. There are some towns that accept it and some towns that don't.

MR. KNIGHT:

Well, I do work in East Hampton and Westhampton, all the other townships I have no problem with. I've worked there, I've never had a problem. It's just these two townships. And I think, you know, I am a County taxpayer, you know what I mean? And I think, you know, they should be reciprocal. I mean, we are licensed, we are insured, and I don't think --

LEG. ALDEN:

Just to, you know, to outline the problem a little bit clearer, there's a jurisdiction problem with us just issuing a license and then telling each town that they have to accept that, because they're the ones that actually -- by state law, the municipalities can draw up their requirements for plumbing and those types of licenses within their jurisdictions. So it's going to be -- the negotiation is to have somebody give up a little bit of their jurisdictional power and have more of an umbrella type of jurisdiction. But you're more than welcome to come down.

MR. KNIGHT:

I'd like to attend that meeting. I'd be more than happy to. I'd like to thank -- oh.

D.P.O. POSTAL:

Thank you very much.

MR. KNIGHT:

Thank you very much for your time, I appreciate it.

D.P.O. POSTAL:

You're very welcome. Before we continue with the public portion, will all Legislators please return to the auditorium. Would all Legislators please come to the auditorium? There is not a quorum now.

LEG. LINDSAY:

I'm here.

D.P.O. POSTAL:

So we cannot proceed with the public portion. Okay. Our next speaker is Oliver Hull.

MR. HULL:

Good evening, members of the Legislature, my name is Oliver Hull. I'm a member of the nascent West Sayville Civic Association, and I'd like

to just briefly address Ginny Fields' proposal --

LEG. LINDSAY:

Oliver, could you speak directly -- that's it. You're such a popular guy, we want to make sure we catch every word.

21

MR. HULL:

I didn't know. Briefly on the proposal for the purchase of the Blue Points property. I'm not going to go into the benefits of this proposal, I don't think I have to. The historical and the environmental are so clear, it's beyond reason to speak about. What I did want to tell you is that there's been an incredible upswelling in our community. We've been galvanized, and this has brought the whole community together, and we're spending a tremendous amount of effort to create -- to put together the West Sayville Civic Association. We understand there's only so much we can look to the Legislature for, and there's a tremendous amount of work that only we can do out there. I can tell you that there's a lot of spirit in this town, and we really want to preserve and protect what we have, and we're willing and we're ready and we understand how much it's going to take from our end and what we have to do, but on my behalf, as well as the West Sayville Civic Association, I want to implore you to approve the resolution so we can do our job. Thank you.

APPLAUSE

D.P.O. POSTAL:

Mr. Hull. Mr. Hull, question from Legislator Alden.

LEG. ALDEN:

Hi. Thanks for coming down. I just have briefly one question for you, and I always ask people that come to me in my district and ask me, you know, like to preserve some kind of property, right now, that property is paying taxes. And under a couple other proposals, it would pay, you know, property taxes into the district, number one, your school district, but other types of taxes. You're aware that if we buy it, we're not going to pay any of those -- any of those taxes, and it's -- and actually it could increase your taxes.

MR. HULL:

There are a lot of issues regarding how our tax bills are affected, there are a lot of issues with downzoning, illegal apartments that also affect our taxes. I think this is just a win-win for everybody, and I'm certainly willing I going to absorb any additional taxes to preserve it.

LEG. ALDEN:

Okay. Good. I'm glad you looked at the issue.

D.P.O. POSTAL:

Thank you very much. Our next speaker is Bruce Garben.

MR. GARBEN:

Bruce Garben, 87 West Avenue, West Sayville. Also have a business in Islip. I know Cameron very well. I pay taxes there, too. I'd like to -- I'm in favor of 1420, the Blue Points Resolution. And as I was working through these other things too, I'm in favor of a few other things that go on here too. 1420 is very important to many of us in the area. I really don't have to say much more. I think almost everybody here knows about it, and I believe it will do a great thing for the Village of Islip, the Town of Islip and the South Shore.

22

Number two, I'm in favor of the Open Space Provision, 1412. I'm also in favor of the Marine Science Provision, 1241. I have also -- and I notice in favor of the Moriches Riverhead Road, which you're going to improve hopefully. You realize that a couple of years ago the winter did a terrible job on that road. I don't know exactly what you're doing, I just quickly read it and it looks good to me. And Number 1494, airplane hangars. As you know, we're losing airfields all over the country, about one every two weeks. Pretty soon our country will be in a quagmire of where we're going to fly to. There will be very few fields left. Please, give us a break, those are pilots. I may not be a licensed pilot, but I'm certainly in favor of the work that they do and the people that defend them. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you very much. Next speaker is Daniel Doherty.

MR. DOHERTY:

Hi. My name is Danny Doherty. I'm at 112 Atlantic Avenue in West Sayville, and I would like to support Ginny Fields' proposition 1420. And I've been thinking quite a bit about why I am in support of it, and my reason is my kids. I feel that if we destroy another historic landmark, it really doesn't give children much incentive to do anything permanent. And I just don't want it see that happen. So I thank Ginny for what she's doing, and I'm in favor.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker, Mary-Jeanne Ramos.

MS. RAMOS:

Hi. I'm Mary-Jeanne Ramos. I live at 112 Atlantic Avenue also. I'm in favor of Ginny Fields' acquisition of the Blue Points property for

the same reasons. I feel that the removal and development of a historic landmark would be a real shame for the community. And I think the future of that property could be a great resource for aquaculture and seed aquaculture for oysters and clams and could be the future for that industry on Long Island. So thank you, and I'm in favor of Ginny Fields.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is Louis Febrizio.

MR. FEBRIZIO:

Good evening, Legislators. I think you know where I came from back there. I'm with the West Sayville people who are for Ginny's resolution. I really have to urge your support on this. They've said a lot of things, I'll try not to repeat them. I'm glad I didn't write anything up exactly, I just made some notes. The building is historic, and what does that mean? I mean, if you just go down there, if you see it in its appearance, in its function, its location, there's nothing else exactly like it, or very little certainly anyway.

23

I can't claim to have been everywhere in Suffolk County. I'm sure many of you -- I know some of you Legislators yourselves had a part in the Long Island South Shore Estuary Reserve Comprehensive Management Plan, that's a big title. It even refers specifically to historic properties like this. They say operations such as Blue Points, quote, are all a part of the regions maritime heritage and define its present day culture. Traditional estuary uses are gradually being displaced by more economically competitive nontraditional use. Concerted public and private efforts will be required to perpetuate the region's historical legacy. That's one of the main reasons, and again, the County, the Town of Islip, have all agreed and had a part in this management plan. If you look at the maps in that plan, they specifically target that very location where Blue Points is as a significant maritime center, and immediately to its left is the County park, which has recently been acquired and is being built up. And then slightly to the west on the other end is the maritime museum. It's the -- the area is just perfect for what it is. And to see it become condominiums or almost anything else is just a terrible shame. It's right on the water, and it's an amazing thing. You walk there -- and especially if you have the opportunity to ever go inside, I wish I could have brought pictures or a slide show. You can step back in time practically if you go back and see what's going on there. So it is unique, and special because of its location.

Anyone can correct if I'm wrong in any of these details, but you probably haven't been there or know many of the details, but underneath the ground there are saltwater cavities that have water

which is exactly the perfect salinity and temperature for seeding oysters and clams and purifying marine life. Its just an incredible thing. You can't get that back anywhere else, you just can't get it. And if you can play a part in helping us as the management plan said, you know, restore or save our historical legacy, that would be great. And we really are doing everything we can on our end, and if the County Legislator can do something -- Legislature can do something on your end, that would be great. Because once that is gone, it's gone, it's gone.

D.P.O. POSTAL:

Thank you. Mr. Febrizio, I'm sorry, your time is up.

MR. FEBRIZIO:

Okay. Thank you.

D.P.O. POSTAL:

Thank you.

APPLAUSE

D.P.O. POSTAL:

Mr. Febrizio, that's all right. I thought we had a question, but I'm sorry. Our next speaker is Elizabeth McClellan.

MS. MCCLELLAN:

I'd like to yield my time to Louis if I can.

D.P.O. POSTAL:

Okay. Mr. Febrizio.

24

MR. FEBRIZIO:

I think I really said everything I wanted to say. Except I just mentioned -- someone mentioned something about becoming in Nassau County in one of the other things, I don't remember exactly what it was. But it was I lived in Nassau County, I grew up there, I lived there for twenty-six years. And since then, I lived here for 13 years. And it feels like I'm going back home, and I don't want to go back home. I want to stay where there's more open space. That's all I have to say.

APPLAUSE

D.P.O. POSTAL:

Next speaker is Nancy Van Name.

MS. VAN NAME:

Hi. I'm Nancy Van Name, and I also live on Atlantic. And I did basically what Louis said, and I thank Ginny Fields for her efforts in trying to preserve this historical and environmentally sensitive area.

And I just would appreciate your voting in favor of it as well. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is Cathline Bouse. I don't know if she -- she said she might have to leave to go to work before we got to her and apparently she has. The next speaker is Brendan McCurdy.

MR. MCCURDY:

Hi. My Brendan McCurdy, I live at 108 Atlantic Avenue. I'd like thank you all for letting me have a chance to speak with you in support of the Resolution 1420 as introduced by Legislators Fields, Bishop, Foley and Lindsay. I'd just like to echo my neighbor Oliver Hull's comments on the galvanization that the community has had not just with the particular Blue Points issue, but with the purchase of the Nikon Property that the County closed last year. We'd like to try to adopt the park and then the Blue Point issue comes along, and at our first meeting of the Association last Tuesday, over 60 people were in attendance, so it certainly was pretty amazing. And we know that we have a lot of work to do, and the Association considers this resolution the first step. If the County were to pass -- if you the Legislature were to pass the resolution, it would just give us the shot in the arm to go out and continue the hard work that we need to do. Not only is it a historical landmark that needs to be preserved, but focusing on the natural resource that it is, the fact that, as Louis mentioned, there are some saltwater cavities that pump up this waters with the perfect salinity and perfect temperature. And that's something that's ongoing until you put a condominium on top of it. Then you're not pumping up the saltwater, in fact, you're probably pumping something into the ground that you don't want to have in the ground. So I'm just going to say think very hard on it, we hope that you do pass it, and we'll continue our fight on this end. Thank you very much.

25

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is Frank Belsito.

MR. BELSITO:

Thank you, Legislature. I'd wonder if you'd do me a favor. When I'm handing some stuff out to all the Legislators, maybe we can get some more of the Legislators in here. I would appreciate that.

APPLAUSE

D.P.O. POSTAL:

Will all Legislators please return to the auditorium.

MR. BELSITO:

I thank you for doing that. I just feel it's an important matter that when people come and speak, that our elected officials be present if we can take the time. And I want to commend the ones that haven't gotten up so far tonight. I think it's the right thing to do.

APPLAUSE

I've been coming to the Legislature for quite a few years. I'd say since 19 -- at least 1981, and I've seen a lot of changes here, good, bad and indifferent. But I think actually the way you people are handling yourselves tonight, it's not like some of the battles that we used to have years ago. Presiding Officer and members of the Legislature, my name is Frank Belsito. I'm the commander of the American Museum, Pearl Harbor Memorial Post Number 1941 of Port Jefferson, Long Island, New York. I am a Korean War Veteran, and I am the Chairman of the upcoming first in the nation U.S. Flag Day Event. I want to thank Legislator William J. Lindsay, the Chair of the Veterans Committee and Legislature members Alden, Crecca and Nowick when we spoke at the Veterans Committee Meeting on April 25th.

I'd like to mention my past dealings with Legislators present; Legislator Caracappa helped with jackets, and I'm a very active member of the Korean War Veterans, he did help us get some jackets that we can march in parades with and also while we're out doing the poppies; Legislator Haley and Caracappa, they helped with thirteen flag poles at the Boy Scouts of America Camp for the U.S. Flag, the state, county and a flag for each of the town -- each town in the County; Legislator Carpenter for many American Legion programs that she helped out with; Legislator Fisher for American Legion -- for help with American Legion Post 1941 projects; and in the past, Legislators Guldi, Towle, Foley, Bishop, Postal, Binder, Tonna for your past support of when I have come before you. Just the backup information, the Armed Forces Plaza in front of the Dennison Building was the dream of Suffolk County Legislator Rose Caracappa, who at that time was the Chair of the Veterans Committee. I am proud to say I was the Chairman of the Committee of the Korean War Veterans Monument that is there today.

I'd also like to state that the project was completed under the amount budgeted for the two Korean War Monuments. In 1995, when Suffolk County Legislator Mike D'Andre was the Chair of the Veterans

Committee, I was the Chairman for the Calverton National Cemetery U.S. Gravesite Flag Committee. The purpose of the committee was to raise \$30,000 to purchase U.S. gravesite flags to place on the graves of our deceased veterans that are buried there in Calverton to honor and

remember them on Memorial Day. Our committee made a presentation to the Suffolk County Veterans Committee and asked for some funds for the flags. Chairman D'Andre asked if \$10,000 would help. Of course, our reply was, yes. And the committee voted unanimously for the 10,000, which we did receive and then raised the balance to purchase all of the flags that were needed.

Since 1995, our committee at Calverton National Cemetery has grown. The cemetery has grown from 90,000 graves to 165,000 graves today. Calverton will be the largest national cemetery in the country. Each year, there'll be another 10,000 graves to place a flag on. I'd like to inform you that we now have 2,500 Boy Scouts, and by the way, the ones you saw here tonight are out there every year, plus 2,000 Girl Scouts, 500 adult leaders, that's a total of 5,000 volunteers who come to Calverton in the month of May to place the flags on the graves for Memorial Day. This project is completed in forty-five minutes. The Scouts come back the following week to pick them up, and we are stored for the following year. You've each received information about why I'm here today. Our committee has changed our plans from a fund-raiser to a Day of Remembrance. We have all heard the news media about December 7th, 1941, attack on Pearl Harbor, and now September 11th, 2001 attack. The young people today lived through a time in history that like Pearl Harbor should never be forgotten. That is why the reason we have changed our plans for the U.S. Flag Day Walk. Our budget is \$28,328. We did a presentation at the Brookhaven Town Board Meeting on April 16th, 2002, and the board unanimously passed the resolution for funds totaling \$5000. The County can help us like they did in the past with \$10,000, and then we will do as we did before, raise the balance.

When you look at our past accomplishments, you will see that we care about those who served in the U.S. military, and we feel and have to always remember the men and women who paid with their lives for our freedoms. You can and should work -- we can and should work together to remember many of those men and women that were killed to September 11th, 2001, many of them were residents of Suffolk County. I really thank you for your time and attention for bringing this to the Legislators. And you could see all the information that we had. Originally we were going to be doing a walk-a-thon or fund-raiser, but then at one of our committee meetings, we decided to do our first in the nation Flag Day Walk in the memory of all those that were killed at Pearl Harbor and September 11th. And the total amount that were killed between both attacks was 5,401 people.

D.P.O. POSTAL:

Frank, your time is up --

MR. BELSITO:

Thank you.

D.P.O. POSTAL:

But Legislator Fisher has a question.

MR. BELSITO:
Sure.

LEG. FISHER:
Hi, Frank. How are you? Frank, I just have a question. The \$10,000, is it to help fund the walk-a-thon or for flags? I'm confused?

MR. BELSITO:
Well, I got all the information in there, but it's to help defray some costs at Stony Brook University, which is \$3,000, three hundred and something dollars.

LEG. FISHER:
So that's for the walk-a-thon.

MR. BELSITO:
It's for the Remembrance Walk. It's all for the walk.

LEG. FISHER:
Okay.

MR. BELSITO:
We changed from a fund-raiser to a Day of Remembrance.

LEG. FISHER:
Okay. That was my question.

MR. BELSITO:
Actually, we just want everybody to get a tee shirt and a flag.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Frank, I have a question.

MR. BELSITO:
Sure.

D.P.O. POSTAL:
I have to ask you, are you representing -- you're representing the American Legion, the Suffolk County American Legion, because --

MR. BELSITO:
No. I'm representing Pearl Harbor Memorial Post Number 1941, it's a Post program. It's a Post project, and as you see, like the things that I've brought out to you before, Calverton National Cemetery is a Post project. We've been very successful, and a lot of time the County doesn't get involved into problems or situations to go out into

the community and do things like this. And I think that we should be really helped, because we want to do and remember these people.

D.P.O. POSTAL:

So just with regard to the Pearl Harbor Project, where was that? Did the County provide funding for that?

28

MR. BELSITO:

No, ma'am. You mean for the flags at Calverton? Which are you talking about?

D.P.O. POSTAL:

The Pearl Harbor -- I believe it was Pearl Harbor Museum Project.

MR. BELSITO:

No. The County never has been within involved in that.

D.P.O. POSTAL:

Where did the -- how much money was raised for that? Where did it come from?

MR. BELSITO:

Well, actually, at the time that we did some fund raising, we raised \$20,000. You know, actually, I'm willing to talk about this, but I think I came here talking about Flag Day, and now we're getting into the museum, but I'll talk about it. We raised about \$20,000 and of that, our architect, George Beatty, I think he got about 11,000, and then we also rented a house that we had some people that were going to be doing some professional fund raising for us and that cost us over like 10,000 for a year. So actually -- we actually spent more than we took in, and our books are open to anybody. And I have to say this, that a lot of times people have questioned it or people have made rumors about it, but I'm willing to sit down with anybody at any time.

D.P.O. POSTAL:

I guess, I haven't heard rumors, but I'm just curious as to where it is now. I mean, is there -- are we about to start building? Have we started building? I mean --

MR. BELSITO:

We had 3.2 acres of land given to us from Brookhaven Town. There was also a piece of property that Rose Caracappa wanted us to originally take. We've decided to go with the town, because it was on 347. Actually, because of the fact that George Beatty before he passed away, he suggested to us not to really consider using that location because of the amount of cost for water and electric to bring back to where we were. But we do and are still looking for another site, and this was going to be the main purpose of this walk-a-thon. We wanted to do it for the museum project. But, like I said, excuse me, we

decide to make it -- excuse me, the first walk in the Day of Remembrance, because this would be the first time a Flag Day walk-a-thon would be held in this nation.

D.P.O. POSTAL:

All right. Thank you. Thank you, Frank.

MR. BELSITO:

Thank you.

APPLAUSE

MR. BELSITO:

If I may just say one more thing. Legislator Lindsay's aide mentioned

29

to me that there was some controversy about the County American Legion. I said to his aide that I'm willing to have a meeting with the Legislature and the veterans and with the County and just sit down and talk about this. I have no problem with that.

D.P.O. POSTAL:

Thank you, Frank.

LEG. LINDSAY:

Yeah. Frank, just to make it clear, I know we were contacted by the Suffolk County Commander, and he had a lot of questions about the event, and questions that I really couldn't answer. And I suggested that you get together, that the veterans could be united, and if this is a program that they want to promote, that we could see what we could do to help out. The \$28,000 seems like a lot of money for a walk-a-thon to be truthful. I realize you had to pay \$3500, which we're going to try to help out with some of our State Senators so you wouldn't have to pay a usage fee for Stony Brook.

MR. BELSITO:

Try it. I called there today and it backfired, no. This is Stony Brook University. That's it.

LEG. LINDSAY:

It still leaves like \$25,000. What is the other 25,000 for? You know, that's some of the questions surrounding it. And I agree with you, it's better off being hashed out in committee with the different veterans groups.

MR. BELSITO:

The only thing I can truthfully say I'm disappointed in, that if you got a phone call, and you and I had a conversation, I would have appreciated a phone call from you, or I would have everyone appreciated a phone call from the County Commander. He's here in the

audience tonight, but I just think it's not right that people start talking and they don't come to the horse. You know, why not get me involved in it? That sometimes happens a lot of times.

LEG. LINDSAY:

Both you and the County Commander called my office today, and I tried to return both calls.

MR. BELSITO:

Well, I waited until four o'clock for a call from your office. You can speak to three people in your office.

LEG. LINDSAY:

If you check your answering machine, you'll have a machine -- a message from me.

MR. BELSITO:

Well, I wanted to come here to be prepared for tonight. I'm not attacking you, all I'm saying is --

30

D.P.O. POSTAL:

Gentlemen. Gentlemen.

MR. BELSITO:

-- that I think it would be nice when there's a problem --

D.P.O. POSTAL:

Frank, I really -- I think you've made the point, and we really have got to move along because we're about to start the public hearings.

MR. BELSITO:

I thank you all for your time. Thank you.

D.P.O. POSTAL:

We're going to move to the public hearings. And following the public hearings, we'll return to the cards, which have been filled out by people who wish to speak during the public portion and have not had a chance so far. The first public hearing is regarding the 2003-2005 Capital Budget and Program. And I do not see any cards for this public hearing. I do not see any cards for this public hearing. Is there anyone who would like to address the Legislature on this public hearing? Seeing no one, motion to recess by Legislator Caracappa.

LEG. ALDEN:

Second.

LEG. CARPENTER:

Second.

D.P.O. POSTAL:

Seconded by Legislator Alden. The public hearing regarding the 2003-2005 Capital Budget and Program is recessed. Public hearing regarding Introductory Resolution number 1244-F. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Seeing no one, I have --

LEG. BISHOP:

Motion to close.

D.P.O. POSTAL:

A motion to close, Legislator Carpenter?

LEG. ALDEN:

Second.

D.P.O. POSTAL:

Seconded by Legislator Alden. Public hearing on 1244-F is closed. Public hearing regarding Introductory Resolution Number 1357. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on 1357? Seeing no one, motion to close by Legislator Haley, seconded by Legislator Fisher. 1357 is closed. Public hearing regarding Introductory Resolution 1399. First card and first speaker is Claire Millman.

MS. MILLMAN:

Good evening. I am Claire Millman, President of the Alliance for

31

Smoke-free Air. We are proud of Suffolk County's consistent leadership role in establishing a healthy environment for all and especially welcome this bill. There is substantial precedent for this action throughout the country, more than 390 localities have banned smoking in bowling alleys. Suffolk County residents are entitled to equal health protection. There is no safe level of exposure to secondhand smoke, an ever growing mountain of evidence from studies worldwide has triggered a global effort to eliminate secondhand smoke further debunking the tobacco industry's claims that the risks to the nonsmoker are trivial or nonexistent. A recent study reported in Japan and reported in JAMA confirms even short-term exposure to secondhand smoke can impair blood flow to the heart. This explains why exposure to secondhand smoke carries a high risk of heart disease and increases the risk of death from heart disease about 30%.

Passive smoking, our number three cause of preventable death in this country causes 53,000 deaths every year, about 37,00 from heart disease. Toxic and carcinogenic chemicals do not respect the time of day. In addition to endangering those present during times bowling is taking place, powerful toxins such as nicotine remain in a room for

days after the smokers have left subjecting children and adults bowling at any time to the poisonous secondhand smoke. It is important to note that nonsmokers also include former smokers, who have struggled with great difficulty to kick the habit, many of whom have been inflicted with or were showing signs of contracting tobacco related disease. No one should be forced to be an involuntary smoker.

A New York State survey released on March 25th, confirmed overwhelming support of further restrictions or outright elimination of smoking in public places. Interestingly, the tobacco industry's own document dated January 20th, 1988, reported tremendous strong support for public smoking restrictions, even among their own customers. In other tobacco industry documents dated January 22nd, 1992, Philip Morris states that where there are strong smoking restriction laws, smokers quit at a rate that is 85% higher than average. This is a vital health issue. The deception and fear tactics used by tobacco lobby to instigate orchestrate opposition to effective smoking restriction laws wherever and whenever they are proposed are now confirmed and revealed by their own internal documents. Philip Morris' detailed draft for developing their 1994 accommodations program describes the program as quote focused on building a brought based of support from businesses and ally organizations. To date, and that was 1993, the program has more than 7000 participating restaurants, 151 bowling centers, two 32 -- 232 hotels, 11 state restaurant associations and eight bowling proprietors associations, end quote. The memo notes that the quote 1994 program recommendations are aimed at mobilizing existing participants to fight smoking restrictions, quote, and that during 1994, the program would also begin communicating to Legislators through grass roots efforts, publicity and advertising to promote the concept of accommodation as an alternative to smoking bans, end quote. And we have seen this action all these years.

Laws mandating smoke-free public places are a major factor in reducing social acceptability of smoking, benefitting all of our society. While protecting nonsmokers from the toxic and carcinogen fumes, they provide incentives for smokers to quit and send a message to all that

active and passive smoking kills. We look forward to swift passage of this bill. In addition, I'd like to enter into the record a letter of support for this bill from the Principal of the East Islip High School, Rhia Warren. And she says, "I'm sorry I am unable to attend the public hearing on the proposed legislation, Intro 1399, totally banning smoke in bowling alleys that will be held tonight. I agree that this action is a major step toward the protection of the health of our people, especially the youth. Therefore, I want to add my voice to support of a smoke-free environment, and I request the statement would be entered in support of this proposed legislation Intro Number 1399." Thank you.

D.P.O. POSTAL:
Thank you very much.

APPLAUSE

LEG. FISHER:
Thank you, Claire.

MS. MILLMAN:
Thank you.

D.P.O. POSTAL:
Our next speaker on this public hearing is Marianne Zacharia.

MS. ZACHARIA:
Good evening. Marianne Zacharia, I am Director of Education and Advocacy with the American Lung Association of Nassau-Suffolk. The American Lung Association is in support of strengthening clean indoor air regulations in Suffolk County. Introductory Resolution Number 1399 introduced by Legislators Fisher and Fields to eliminate smoking in bowling alleys at all times is an excellent start. Families who frequent bowling alleys in the evening hours should not be forced to inhale secondhand smoke. People who work there shouldn't either. The evidence on the detrimental health effects of secondhand tobacco smoke continues to mount. It's not just an annoyance to be exposed to secondhand smoke, the EPA classifies it as a Group A carcinogen, which is in the same category as asbestos, benzene, arsenic and Radon. It's illegal to expose workers to any Group A carcinogens, except tobacco smoke. Secondhand tobacco smoke causes more deaths each year than all other Group A carcinogens combined. As the evidence against secondhand tobacco smoke continues to mount, so does the support for smoke-free work sites and public places. In 1995, a public opinion poll conducted by the Nassau County department of Health revealed that more than 70% of residents believed that bowling alleys should be totally smoke free. And I would imagine that if you did that survey today, the numbers would go up. More recently, a telephone survey with a representative sample of 1,011 New York residents was conducted by Mathematica Policy Research of Princeton, New Jersey for the Center for Tobacco Free New York. The survey, which was conducted this year, January 25th through March 4th revealed that 93% of New Yorkers believe that smoking should be banned or restricted in public places and work sites. Bowling alleys are places where families go for recreation. There are no other family recreation centers that allow smoking. Why should bowling

alleys be an exception to the rule? The customers and the employees all have a right to clean indoor air before and after 6:00 p.m. We therefore, urge this Legislature to support this bill. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you. And Marianne, I apologize, I always mispronounce your last name. I can't promise that I will ever pronounce it right.

MS. ZACHARIA:

That's okay. It's my husband's name, not mine.

D.P.O. POSTAL:

Thank you very much. The next speaker is Chris O'Connor.

MR. O'CONNOR:

Thank you. My name is Christopher O'Connor. I'm the Program Director for the Long Island Neighborhood Network and league bowler. I bowl at the Coram Country Lanes, and I'm here to support Resolution 1399. Now, first I want to congratulate Legislator Fisher for introducing this legislation. It's in the tradition of her district in working to get smoking legislation passed. This is a quality of life issue, and as a bowler, I'm faced with smoke everyday when -- or every time I bowl. Frequently there are fans going around in the bowling alley, and you got dust, you got smoke, you're coughing. It's not nice. And I have a slight asthmatic condition, which is exaggerated when I'm breathing in smoke. For a lot of us bowlers, we would like to see no smoking. I mean, there are some that see bowling as a bunch of guys or some women drinking beer, smoking cigarettes and hanging around not doing too much. But it is an activity, it is a health activity in which many of us enjoy, and we think that we have a right to enjoy that free of smoke and hazards in the air. Thank you.

APPLAUSE

LEG. FISHER:

Chris, it's interesting, the reason I did introduce this bill was because I had gotten calls from bowlers. And I didn't realize people could smoke in bowling alleys, because I had gone to Sports Plus. Do you realize they don't permit smoking there at Sports Plus?

MR. O'CONNOR:

Yes.

LEG. FISHER:

So I didn't think it was permitted in any bowling alley

MR. O'CONNOR:

But in all -- in all bowling alleys, they have areas in which they say is not smoking, but that's -- it's an open area, so the smoke just comes in, there's fans.

LEG. FISHER:

That's what I've learned, yes. Thank you, Chris.

D.P.O. POSTAL:

Thank you, Chris. Our next speaker is Ken Kindler.

MR. KINDLER:

I appreciate having a chance to speak. A little bit confused, not too sure whether I should have filled out a yellow card or a green card, but I'd like to start out by thanking Legislator Vivian Fisher for the 1412 proposition. The SOS speaks very closely to me.

D.P.O. POSTAL:

Excuse me. I'm sorry, Mr. Kindler, I'm going to have to ask you to just wait, because your card was grouped with the wrong public hearing. You'll be speaking on one that's coming up very shortly, so I'm sorry.

LEG. FISHER:

We're still speaking on 1399, which I sponsored. 1412 will come up later. Thank you.

D.P.O. POSTAL:

Now, I have no additional cards for this public hearing. Is there anyone else who would like to address the Legislature on this hearing? Seeing no one -- oh, Pete, sorry. Come right up. Give us your name.

MR. QUINN:

I've lost weight.

LEG. COOPER:

You look great, Peter.

MR. QUINN:

My name is Peter Quinn with the Long Island Coalition for Democracy. We strongly applaud Vivian Fisher and Virginia Fields for introducing this legislation and hope it passes the Legislature this evening. About two months ago I attended a bowling function for my grandson, and I must tell you that the most annoying part of the afternoon was the smoke that still permeated the room from the night before. I don't know if there is any impact from that, from the preceding day, but it just seemed to me that that kind of residue in the room should not be a place where children congregate to enjoy themselves. And when you have legislation already passed that says there should be no smoking at least 50 feet outside a public building in Suffolk County, it seems to me that this is -- we've come a long way since the 1980's when no smoking was initially introduced. And this is just one more step in the final process in eliminating it from inside buildings as well. Thank you again.

D.P.O. POSTAL:

Thank you, Pete. Is there anyone else who would like to address the Legislature? Hearing no one, Legislator Fisher.

LEG. FISHER:
Motion to close.

35

D.P.O. POSTAL:
Motion to close, seconded by Legislator Fields. 1399 is closed. Before we move to the next public hearing, I have a motion to reconsider the motion to close on public hearing Number 1244-F by Legislator Alden, seconded by Legislator Crecca. All in favor? Legislator Alden, your motion was to close, now, your motion on this public hearing --

LEG. ALDEN:
Is to recess.

D.P.O. POSTAL:
Motion to recess 1244-F, seconded by Legislator Crecca. All if favor? 1244-F is recessed. The next public hearing regarding Introductory Resolution Number 1405, which is a local law to shorten the deadline for sale of land sold at public auction. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing? Go ahead, please give your name.

MS. COSTIGAN:
Christine Costigan, the Director of the Division of Real Estate. On this matter, the -- we look forward to closing these more quickly than the have been in the past. However, the bulk of the matters that were not closed from the previous auctions were for title problems that simply take a long time to unwind. And in reviewing the text, it strikes me that we were able to live fairly easily with the two year measurement which was measured from the contract of sale. And when I did some research on the issues that are still outstanding, I found out that many of them had not secured approval from the Legislature for up for six months. So running the starting date from the contract of sale may not be a good idea. I'm suggesting that the one year shortening run from approval by the Legislature, since we can't sell it before then anyway.

D.P.O. POSTAL:
Okay. Any questions? Okay. Thank you, Christine. Oh, there's a question from Legislator Lindsay.

LEG. LINDSAY:
So Christine, the way I understand the process now, it actually takes from the time we -- a property goes into default, it's, like, two-and-a-half years; am I correct?

MS. COSTIGAN:

Three years.

LEG. LINDSAY:

Three years.

MR. COSTIGAN:

Yeah.

LEG. LINDSAY:

And you're proposing to shorten that --

36

MS. COSTIGAN:

No. This particular section refers to the auction. So when somebody holds their hand up and gets a winning bid at the auction, and those are only the properties that we've sold after the three years, somebody puts his or her hand up, wins the bid, signs and says, I'm ready to buy as soon as you're ready to sell, that contract has to be approved by you before we can process it. So that whole list of winning bidders comes to you, and you say, we approve those sales. There may be an intervening request from municipality that says stop, we don't want it sold, we want that for governmental purpose, in which event you may not approve the sale. But we cannot sell it until you approve that contract of sale. So it seems to me that's the sensible time to have the tolling of the one year period. If we toll it from the time the person puts his hand up, it's going to be half gone by the time I get a chance to even open a file.

LEG. LINDSAY:

So you're proposing actually to lengthen the process.

MS. COSTIGAN:

I just -- no keep it -- shorten it to a year, but the year would start running not when the person puts his hand up to signs that day to buy, the year would start running from when you approve the contract.

LEG. LINDSAY:

I'm all for shortening the process, simply because, you know, if it's vacant property it's one thing, but if there's a building on the property, in the time frame that it takes us to acquire the property, to auction it off, very often, that property becomes deteriorated, it gets boarded up. It isn't -- you know, nobody habitats it, it becomes run down, and it causes us a bigger problem. And it's an eyesore in the community.

MS. COSTIGAN:

Indeed. This particular legislation, though, deals just with from the auction on. And I think it's good to shorten it, but start it running

at the right time.

D.P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:

Yes. Counsel, I'm inclined to make the change that's been recommended by the speaker, but I wanted to hear if you have any perspective on this issue.

MR. SABATINO:

It's a policy decision. The Levy Law, which put the current two year limitation that's currently in place, puts the limitation from the contract of sale. So the two years is currently running from date. From a Legislators perspective, I think that what Legislator Levy was driving at the time he did the law was that the Legislature doesn't control the process in terms of when the resolution after the auction comes to the Legislature.

37

LEG. BISHOP:

Okay. That's what I was looking for. But has there been a history of dilatory tactics or undue delays from the time of the auction to the time that the resolution is filed before the Legislature?

MR. SABATINO:

No. The only time there was a delay was about a year-and-a-half ago, but not from the Legislature, the delay was when the Executive refused --

LEG. BISHOP:

That's what I'm asking. That's what exactly what I just asked. Is there a history of delay from the Executive Branch bringing over the legislation after the auction? If there is, then the law would make sense of one year, because it applies pressure on them to bring the resolution over. If there is not that history, then her point is well made, and it would be an unfair burden.

MR. SABATINO:

It would run -- it would run the opposite. The only time that there was a real delay was the time we had the problem with Legislator Towle, the properties in Legislator Towle's district, where Legislator Towle had indicated there were two or three parcels that were problematical, so the Executive refused to file the bills and then the Legislature finally, if you recall, had to file the bills for the auction. But if you believe there's no delay, if you believe there's a normal situation that the auction happens and the bill gets filed routinely within a short period of time, then the one year measured from the day of the contract makes sense. The one year from the day of approval only makes sense if there are delays built into the

system. I mean, it's really -- it's a policy call. All I can tell you is that what's caused the problem a couple of years ago was that there was a sense that nothing was closing, so Legislator Levy said, we'll take it from the date of the contract and give you two years.

LEG. BISHOP:

How long do you need from the auction to --

MS. COSTIGAN:

There are still 50 properties from the auction a year ago that haven't closed, they all have title problems.

LEG. BISHOP:

Yeah, but that doesn't mean that that -- I mean, that's suggests that --

MS. COSTIGAN:

No. I mean, I'm just trying to give you -- I'm trying to give you a statistic, that's out of 200 properties.

LEG. BISHOP:

You're giving me a statistic of an agency or bureau that you're trying to change. So it's not a statistic I want to look at. I want to look at what you think you're going to need.

38

MS. COSTIGAN:

I can live with a year from the time you tell me to go ahead with the Legislative approval. I don't suggest that the delay on getting it to the board is one -- the place where it comes in is when someone wants to take a second look at the property, be it the town, be it affordable housing, be it a late redeemer, somebody who says, I know it's been auctioned, but just hold it off a minute before you approve the contract. And that minute becomes three months or four months, and nobody can do anything until the contract is approved. It doesn't happen in the bulk of them, but it happens enough to make it a significant -- I mean, there were plenty of contracts that went up to four months before last time before they were approved.

LEG. BISHOP:

Thank you.

MR. SABATINO:

I don't know if this helps, but there's a clause that says unless there's an extension by resolution, so you have the opportunity under this legislation to extend the period of time upon request. That was added to the provisions that the committee asked for. So if you got into a situation where you hit the deadline, by resolution you can extend the deadline.

LEG. BISHOP:

All right. Thank you for bringing it to our attention. Is that it on that?

D.P.O. POSTAL:

Is there anyone else who would like to address the Legislature on the public hearing?

LEG. BISHOP:

Motion to close.

D.P.O. POSTAL:

Motion to close by Legislator Bishop, seconded by Legislator Fisher. All in favor? 1405 is closed. Public hearing regarding Introductory Resolution Number 1412, a charter law adding article 37 to the Suffolk County Charter to provide a Suffolk County Save Open Space Fund. And I have a card from Ken Kindler. Mr. Kindler?

MR. KINDLER:

Thank you. What I have to say is more from the heart than from the brain. In a -- I guess, first, I'd like to introduce myself. I'm a Long Island natural open space advocate and hiking advocate. The hiking advocate is real just tagged on. The reason for hiking is to get people out into the natural open space, have them see how absolutely stunningly beautiful it is, and hence, cause them to be motivated to work to protect it. This is a very effective means of protecting open space. The trails groups I feel have contributed an incredible amount of energy and have been very effective in promoting and saving the open space.

In a -- I guess, in a very narrow sense I'm an expert. I spend between 30 and 40 hours a week walking through Long Island's open

space on the lovely trails that we have, cover about a hundred miles a week, and I'm seeing an absolutely unique beauty here. I lived on the Island for 50 years, and it was only by accident, you know, after living here for a half a century that I just stumbled on the fact that we had this treasure in the middle of the Island. I mean, the kind of experiences you'll have sitting by the edge of a lake and seeing a raptor with six foot wings come down and snatch a fish out of the water, or taking your glasses off if you happen to be a little bit farsighted like me, and putting your eye right up to the hole and having a little downy woodpecker jerk out and look at you and be almost as frightened as you are.

The -- I'm working on creating a sustainable management plan for the Paumonock Path, 125 mile long trail that runs through Suffolk County. I'm walking on the crest of the Ronkonkoma Moraine, walking over-- over our most prime aquifers. And I have to tell you, you pass

strings of absolutely stunning costal plain ponds. You know, just because this is in your backyard doesn't mean it isn't exotic and isn't magnificent. You don't have to go to the Grand Canyon to, you don't have to go to Hawaii, it's right here. The most important thing about the trails on this Island is that they're for the local communities, and when I hear SOS, it touches my heart because I feel like -- like somebody I really care for is being held at ransom.

This land is -- is absolutely stunning, and, you know, I'm sure everyone is aware of -- of how important it can be to our economic base. I mean, you know, we're protecting it for the water. Well, yeah, we need clean drinking water, and it will be nice pulling tourists in for this 125 mile long hiking path. But most important, it's the local communities that will benefit. This is our connection to mother nature. This is -- I guess the best way to say it is, you know, your environment defines you. How do you want to be defined? You want to be defined by plastic and cement and asphalt? Or do you want to be by a beautiful coastal plain pond listening to Pine Warblers and seeing these enormous birds soaring overhead and these cute chipmunks skittering by? You know, this is a very important part of Long Island, and the fact that we don't have very much money to protect it is frightening.

I very much support what Legislator Fisher is -- is working to accomplish. And, you know, I'm so motivated, I'm a full-time volunteer. I'm doing this all the time, because I'm afraid we're going to loose it. You know, I'm there, I'm there maybe more than anybody else on this Island, and I see what's at stake, and I also see what's happening to it, and I would like us to start acting rapidly on preserving it and protect it.

D.P.O. POSTAL:

Thank you Mr. Kindler, your time is up.

MR. KINDLER:

Thank you.

D.P.O. POSTAL:

I have no other cards on this hearing. Is there anyone else? Richard

40

Amper.

MR. AMPER:

I appreciate the previous speaker saying that he was speaking from the heart and maybe not from the head. The Pine Barrens Society thinks this -- this has great a promise, that it may be premature, that there may be many elements that we can refine and improve before it is acted upon by the Legislature. We've had a very good conversations with

Legislature -- Legislator Fisher. We think the committee can be helpful in the input process, so we simply say this probably the right -- not the right time or place. It's something we need to be thinking about.

LEG. FISHER:

Well, it's certainly the right place.

D.P.O. POSTAL:

Legislator Fisher, you have a question.

LEG. FISHER:

Wouldn't you say? It's certainly the right place, wouldn't you say?

MR. AMPER:

I'd love to see it in front of the committee. I'd like to see it in front of Mr. Bishop's committee for a couple of minutes. And I'd love to sit down with you as other environmentalists would and refine the numbers and the timing as those kinds of things.

LEG. FISHER:

Well, as you know, after it goes through the public hearing, it will go to the committee, and we'll have opportunities to discuss it. And I have discussed it with you, and I do appreciate the previous speakers speaking from the heart, because I believe that saving open space is something that touches our hearts as well.

MR. AMPER:

I think we're all -- we're all committed to that.

LEG. FISHER:

Yes.

D.P.O. POSTAL:

Thank you. Is there anyone else who would like to address the Legislature regarding Introductory Resolution 1412? Hearing no one, Legislator Fisher, make a motion to close, I believe.

LEG. FISHER:

Yes, I make a motion to close.

D.P.O. POSTAL:

Seconded by Legislator Fields. All in favor. 1412 is closed. The next public hearing regarding Introductory Resolution Number 1422, a local law to require verbatim minutes for Suffolk County Council on Environmental Quality. I have no cards for this public hearing. Is

there anyone who would like to address the Legislature on this hearing? Hearing no one, Legislator Fields, motion on 1422 to close, seconded by Legislator Bishop. All in favor? 1422 is closed.

Public hearing regarding Introductory Resolution Number 1450, a local law to ban mass release of balloons within the County of Suffolk. We have cards filled out. We will here from speakers from Ms. Siegelman's Third Grade class from -- I don't know if I'm going to pronounce this correctly. Siegelman, I'm sorry. I don't know what I said. From Nassakeag Elementary School. And they're going to come up together. There are eight of them. Sarah Kim, Jillian Reilly, Shannon McKenna, Jillian Boudreau, Aneesh Sampath, Sydney Leviton, Marissa McGuire, Shawn Cappiello.

AUDIENCE MEMBER:

We're the kids from Nassakeag Elementary School

D.P.O. POSTAL:

Conference. Go ahead. Go ahead.

AUDIENCE MEMBER:

We got this idea for a law that there's no more balloons released more than five or you have more than \$500. And we'd like to hand out these forms to you, and that's it.

D.P.O. POSTAL:

Thank you.

APPLAUSE

D.P.O. POSTAL:

Next speaker. Do we have another speaker? Here she comes.

MS. KIM:

Hi. My name Sarah Kim from Ms. Siegelman's class at Nassakeag Elementary School. On Earth Day, my class and I decided to do something to help save the animals. We wrote letters to County politicians and state politicians saying we didn't want balloons to be released. We asked them if they can make a bill saying people couldn't release over five balloons or they would have to pay \$500, a penalty. Once balloons go up, they eventually come down and usually land near water. I don't think it's a good idea to launch balloons into the air, because when pieces of balloons float in the water sea animals mistake them as jellyfish and eat it. It fills up their bellies and makes them feel full, but they really aren't. Imagine this: A sea animal, dolphin or sea turtle is swimming in the cool water. Suddenly it spies a jellyfish, but really it is a balloon and it ate it. If people keep on releasing balloons, sea animals might get extinct, and we wouldn't be able to see or watch the beautiful sea animals. If only we take care of our environment, we can keep our world a beautiful place for us and sea animals to live together.

APPLAUSE

D.P.O. POSTAL:
Thank you, Sarah.

42

MS. REILLY:

Hello. My name is Jillian Reilly from Ms. Seigelman's Third Grade Class in Nassakeag Elementary School. Like Sarah said, my class and I tried to do something to save the animals. And also still, if you were a sea animal and you want people on land to protect you right now, you can help sea animals. People, like people in my class, who are trying to get this bill to pass and stop launching balloons are actually speaking for the sea animals. We all know that sea animals can't talk, but in your heart you know that sea animals are thanking people and us who care about the sea animals. My class and I -- oh, sorry. My class and I are trying to get as many people as possible to vote yes on this bill. Beach birds die from plastic too. Their beaks get caught in six pack rings, and obviously, they wouldn't be able to open their mouths for food and starve. Also, their necks get caught in the holes of the six pack rings and choke. We know some people that disagree on this bill; balloon sellers and I guess some other people.

APPLAUSE

D.P.O. POSTAL:
Thank you, Jillian. Our next speaker.

MR. CAPPIELLO:

My name is Shawn Cappiello, and my class is trying to make a bill, and we would like to stop people from releasing balloons over water, because it kills sea animals. The water -- the animals mistake the balloons for jellyfish, and they eat them. The balloons make them feel full, so they don't eat, and they starve to death. Also, six pack rings should be cut up before they are thrown away, because sea birds get their beaks stuck in there, and they starve to death. So small fish get -- also small fish get caught in the rings and they starve. People take -- should take the time to pop the balloons and cut the rings before throwing them away. Laziness is killing our wildlife. Just as we passed a law for recycling garbage, we should pass this law too.

APPLAUSE

D.P.O. POSTAL:
Thank you, Shawn.

MR. SAMPATH:

Hello. I am Aneesh Sampath from Ms. Seigelman's Third Grade Class in Nassakeag Elementary School. People think it is -- it's fun to

release balloons, but they don't realize they harm sea animals. It has harmful consequences, which is why we think we need a tough law. Sea animals may think that the balloon is a jellyfish or squid and every -- and eventually it either chokes them or they starve to death. For example, it takes -- it takes four months for a balloon to pass through a turtle's intestine. We would like a law to be passed that people would pay a fine of \$500 if they release more than one balloon. The limit of five balloons is a lot. Think if 25 balloons are released in different parts of New York on different days, we estimate that more than 2500 balloons will be in the air only during the summer. That may kill a large number of sea animals. Hence, we

43

definitely need a tough law.

APPLAUSE

D.P.O. POSTAL:

Thank you, Aneesh. Next speaker.

MS. {MCANDREWS}:

Hi. I'm Laura McAndrews. Making this law does not mean that people can't have fun with balloons, it means you can't release them in the air. Releasing the balloons is bad for the sea animals because the balloons eventually go down into the water, and the sea animals mistake the balloons for jellyfish and eat them. The sea animals feel full and eventually die. I think this is important, and there are other ways to celebrate parties without releasing balloons. You can eat cake, play music and dance. These things do not hurt sea animals.

APPLAUSE

D.P.O. POSTAL:

Thank you.

MS. MCKEENA:

Hi. My name is Shannon McKenna from Ms. Seigelman's Third Grade Class from Nassakeag Elementary School. On behalf of the sea animals, I am here tonight to ask for your help. I learned that balloons and plastic are dangerous to sea animals because they are mistaken for jellyfish, and they eat them, and they will eventually kill them. We would like to see a new bill passed in New York to ban mass balloon releases. If you help us make this new law, we would be saving many of our animal friends' lives. Thank you for your time and cooperation.

APPLAUSE

D.P.O. POSTAL:

Thank you, Shannon.

MS. MCGUIRE:

Hi. My name is Marissa McGuire from Ms. Seigelman's Third Grade Class at Nassakeag Elementary School. Thank you for inviting us to this meeting. Saving the sea animals and our ecology is very important to us. By passing this law to not release balloons, you will be helping us to save the animals. If it is against the law to litter, then releasing balloons should be against the law too, because whatever goes up, must come down and balloons litter our land and our waters. Also, if you have six packs, please cut them before you throw them out, because if that landfill that they put it in is close to the water and you didn't cut it, the six pack might blow onto the beach and sea birds might get their beaks stuck in it, and they could starve to death. And if they -- if it blows into the water, fish might go through one of the holes and get caught in it and choke to death. So if you could help us pass this law, we would be grateful. Thank you.

APPLAUSE

44

D.P.O. POSTAL:

Thank you, Marissa.

MS. LEVITON:

Hello. My name is Sydney Leviton, and I think releasing balloons is very dangerous to sea animals. They can kill sea turtles, whales and dolphins because they all mistake them for jellyfish. Eventually, they will eat the balloon, and the balloon will make them feel full, and they will starve to death and die. Six pack rings also make sea birds starve because when they look for food in the sand, they get caught around their beaks, and they starve. Please help us save the sea animals. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you, Sydney.

MS. BOUDREAU:

Hi. My name is Jillian Boudreau. My class decided to do an Earth Day project to save the sea animals because we care about them. If you let five or even one balloon go, it could kill or make the sea animals sick. And it also pollutes their home and the whole state.

APPLAUSE

D.P.O. POSTAL:

Thank you, Jillian. Thank you, boys and girls. We have some -- boys and girls, please wait. We have some questions. Some of the Legislators have some questions for you.

D.P.O. POSTAL:

Let's start -- Legislator Bishop.

LEG. BISHOP:

Yes. Thank you. First of all, we've had a number of classes come before us and present to us their points of views on issues, but you're the first class that has been able to come up and speak without an adult right behind you. You sort of did it on your own, and that's very impressive. Congratulations.

APPLAUSE

LEG. BISHOP:

Are you proud of that? That's my question. My other question is did you get my e-mail? You guys wrote me an e-mail, and I wrote you back, and you wrote me back, so I owe you one back. We'll keep corresponding. Thank you very much for coming today.

D.P.O. POSTAL:

Legislator Crecca has a question.

LEG. CRECCA:

I just wanted to let you guys know, and I'll put it in the form of a question, that you guys did a better job than a lot of the environmentalists who contacted me lobbying on this bill, and you did an excellent presentation, and you made me think of points that I

45

wouldn't have thought of otherwise, so thank you. You did a good job, guys.

APPLAUSE

D.P.O. POSTAL:

Ask the question.

LEG. CRECCA:

Do you agree with me? Yes.

D.P.O. POSTAL:

You see, boys and girls, you follow rules better than some of us do. Legislator Fisher.

LEG. FISHER:

Mine is a rhetorical question. I was wondering if any of you maybe with your Girl Scout or Boy Scout Troops or with your school had ever gone to a beach clean up? And if you ever do, you probably notice that you will fill bags and bags with balloon pieces that you pick up along the beach. So if you ever go on a beach clean up, will you look for balloons to pick up, balloon pieces.

(ALL RESPONDED AFFIRMATIVE)

LEG. FISHER:

Yes. You did a very great job. Thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you very much, Ms. Seigelman and boys and girls.

LEG. NOWICK:

Could I just --

D.P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

I know I have to ask a question, and I can't think of how to put this in a question, but I want to say to you, did you enjoy yourselves? Did you learn something? I thank you very much. You made a wonderful presentation. I thank your parents, and I thank Ms. Seigelman. You did a wonderful job. You might make law. I'm very proud.

P.O. TONNA:

Thank you. I know we might have a bill in that lets third graders, and if so, I'll support that bill. Okay.

LEG. CRECCA:

I think that young man is running for office in the front.

LEG. ALDEN:

Only to elect the Presiding Officer.

46

LEG. TOWLE:

Is that a motion?

LEG. CRECCA:

Shawn.

MR. CAPPIELLO:

Yes.

LEG. CRECCA:

He said yes. Sign that boy up. Are you a Republican or Democrat?

LEG. COOPER:

Don't answer that.

LEG. TOWLE:
Does it matter?

P.O. TONNA:
Hopefully you're an independent. Okay. Let's go on. Thank you very much, ladies and gentlemen. Thank you very much.

LEG. FOLEY:
Very good, boys and girls.

APPLAUSE

P.O. TONNA:
Barbara Toborg. Barbara. Is there a Barbara? Okay. Thank you, Barbara. Top that, Barbara. No, I'm joking.

MS. TOBORG:
It's a tough act to follow. I am Barbara Toborg, and I am representing the American Littoral Society. We are a coastal conservation organization. Littoral means the coast -- part of the coast that is between high tide and low tide. While our organization is against litter, we weren't named for that. We also are not a book club. That is another common misunderstanding, but we are a coastal conservation organization, and we do coordinate New York's participation in the International Coastal clean up each year. We've done it for the last 15 years. And one of your Legislators, Cameron Alden, actually was one of our beach captains in 2000, so we thank him very much for that effort.

Last year, we had 1560 Suffolk residents as volunteers in this international coastal clean up, and, of course, one of the things that we find in our documented clean up, because we write down everything that we pick up, were balloons. And in Suffolk, there were 2397 balloons collected in the Year 2000 clean up, and that was just one day for three hours. So it gives you some ideas of the propensity of balloons on the -- on the shore. Statewide, there were 5099 balloons accounted that year, and nationwide 40,655. So you can see it is a large problem. I'm here tonight to support Legislator Nowick's legislation banning the release of more than five balloons. I want to say that our organization feels this is an important and serious

47

issue, no matter how lightly newspapers may claim it to be.

There is a sure and present danger to wildlife, and that's one of the important reasons why I hope you will pass this legislation. The other thing is you're educating the public about the dark side of balloon releases, and I think this is very important. Also, you can prod Albany to pass similar legislation. There has been similar bills

in the Assembly, and it has large support, but in the Senate, it doesn't have a cosponsor. So perhaps some cosponsor from Suffolk will materialize.

The children really said it all. I don't have much more to add as far as particulars. You know that sea animals are in danger for several reasons. They do mistake balloons for their prey, which is jellyfish and also squid. It produces a sensation that they are full, that they have eaten, that they have taken their nutrition, but in reality, they haven't, they've just eaten a lot of plastic. This affects their reproduction, it affects their general health, and there is a general decline. And a lot of our sea turtles; logger-head and leather backs are on endangered or threatened species lists. And I think whatever you do to help maintain that population will be to your credit. Plastic, balloons and other debris do account for blockages in animals, and I'm sure there are other people here tonight, scientists, who can give you more information on that.

And my last point is that even if it weren't a danger to animals, a balloon released into the atmosphere is litter. What goes up, does come down whether in whole or in pieces, and how long does it take to biodegrade even if it is biodegradable as some of the balloons are made of latex. The mylar lasts a long time. And the only good thing I can think it be mylar is it makes good wrapping paper. So if you have any balloons that you haven't released into the atmosphere, you do an indoor release, take them home, and use them for wrapping paper. It's great, they already have Happy Birthday written on them. In one of the papers, they said that the curse of democracy is too much government. But I would like to say that the blessing of democracy is that we can freely debate these issues and hopefully pass the good ones. Thank you.

APPLAUSE

P.O. TONNA:

Michael Kaufman. Michael Kaufman.

P.O. TONNA:

Thank you, Michael.

MR. KAUFMAN:

Members of the Legislature, some of you may know me as a member of the County's Council on Environmental Quality. Fortunately, I'm not speaking on Bill Number 1422, I'm speaking on 1450. I'd like to basically state today that I support Legislator Nowick's bill regarding -- Number 1450, a local law to ban the mass release of balloons within the County. As a local official in the Villages of Nissequogue and Head of the Harbor, I've run a number of beach clean ups over the years, and we have found huge amounts of balloons along

our coast lines. They are coming from Connecticut, they are coming from New York City. We can see that because Joe's Pizza from Wallingford, Connecticut has been out there. Bill's Pizza from Coney Island has been out there. This stuff drifts a long, long way. I have seen birds eating this stuff on the coast. They may be seagulls, but they are birds, they are worthy of being protected from these balloons.

The danger is real. These balloons are getting into the environment, they have a long, long, long biodegradable time, they're drifting far away, they are a problem out there. Mass releases seem to be the way many of these balloons get into the environment. I see them constantly tied together. It's not single balloons. I would estimate half of the balloons I've seen out on the shore lines are again tied together. So I'm seeing that mass releases are a problem. I think they're unnecessary, I think they're that they're dangerous. If it's hurting the environment to simply please people for a couple of minutes and have people crane their necks and look up into the sky and watch them float away, I don't think it's worth it to allow these mass releases. I think that they are a danger, and I very much support Legislator Nowick's bill. Thank you.

LEG. CARACAPPA:
Mr. Chairman.

P.O. TONNA:
Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Mr. Chairman. I know I'm going to break the rules here, but I just want to say I served a year with Mike on CEQ last year. And Mike, your thoughts and your comments on this, you know, hold a lot of water, because of your excellent work on CEQ and as an environmentalist. It was a pleasure serving with you, and we're all proud of the work that you and CEQ do.

MR. KAUFMAN:
Thank you very much.

APPLAUSE

P.O. TONNA:
Okay. Martin Greenstein.

MR. GREENSTEIN:
That's always a problem, my father said Greenstein my mother said Greenstene. Robin Seigelman used to work for me, and now she brings an Army to defeat my business. So I'm really in a fun night. Mr. Presiding Officer, members of the Legislature, I want to address this issue of balloon releases from a different way. Now, the balloon

industry is certainly not against the environmental impact. And there are a number of things that they have spent fortunes of money to find out, because they're a responsible industry. I am not any more than a guy that runs a company that part of which we do decorating and we do release balloons from time to time when it's the will of our clients.

Generally, however, when you think about a balloon and the impact of balloons hitting the air, it's not quite the way it's been painted here tonight. Unfortunately, as often is the case, misinformation and rumor is attacked, and it's wider spread then we think. Balloon hits the air, it goes 500 feet in the air, and it explodes. And the balloon will fall over a 15 mile area. There is no documentation of any sea animal dying from ingesting a balloon, it just has not been proven. All right?

As to the mess that balloon hits make. There have been studies and there have been collections. From '94 to '98, hundreds and hundreds and hundreds of thousands of pounds of garbage have been picked up and less than one half of 1% of it was balloons. Now, the problem that happens is that when you isolate one item, it has a great impact. You say, well, balloons there are 5,000 balloons. Well, there are probably five million balloons blown up everyday around the world, and 5,000 is a drop in the bucket. I'm not suggesting that we should just let balloons go for the sake of it. Balloons do not go up in clusters as professionally released. When we release balloons professionally, they're put in a net, they're individually tied, and they go up. The necks do not present a hazard for anybody catching it, or a bird putting its beak through it, because it's a knot. It just doesn't work that way. The clusters of balloons that are seen is when somebody made a beautiful arch, or they had -- of they did a centerpiece and somebody took it home and said, oh, I can't get it in the car, and let it go. Well, now, you have a problem. We're looking at five balloons as being a problem. All right. Most clusters of balloons when they're used for decorations have between 12 and 20 balloons in it. And many of the professional decorators do this as a sculpture. Well, if it's released the sculpture's going up. Now, that wasn't a balloon release for a company, it wasn't what we professionals call a balloon release, where it's individual balloons.

We very have very much are against balloons being released with mylar. We know that that's a detriment, we know they don't go back. A balloon is a latex product, which is made of rubber. It takes about the same amount of time to go back to nature as an oak leaf. It happens very quickly. There are some important facts about latex balloons in the professional release, and we know this. We can provide you -- I'm sure that all of the -- that the industry people have sent you a ton of literature on this, but we do know that through the '80s and '90s, sea animals have been found dead, a turtle. Most turtles are killed by propellers from giant boats. Once or twice,

they'll find a balloon or a balloon with a string tied to it. If the balloon has a string tied to it, and that's what you find in the animal, that was not a release. That was a kid that had a balloon. All right?

Balloons are released individually. When a balloon is found in a lower intestine of an animal, whether it's a sea animal or a bird or whatever, I'm not sure that that's proven to be a factor in their continuing to eat and they die because they ate a balloon. But the numbers, the actual numbers of recorded cases where they can say this animal, this bird, this fish died because he ingested a balloon are nonexistent. It has never been proved. Now, as a businessman and as a person who loves the children, I make my living blowing balloons for

50

children. I do it at schools, I do it at parties. I'm telling you that very, very rarely are balloons released in mass. And what happens --

P.O. TONNA:
Sir.

MR. GREENSTEIN:
What happens is that if we allow this to stop, we're going to hurt small businesses, and it's not going to help the environment.

P.O. TONNA:
Thank you. Any questions? Legislator Nowick.

LEG. NOWICK:
When you say that none of the animals have been hurt, do you think that the Ocean Conservancy, the American Littoral Society, Coastal Research and Education Society of Long Island, the Marine Mammal Committee, the Sierra Club, the Marine Conservation Society, the Alliance for a Living Ocean, the Sea Turtle Restoration Project, do you think -- just to name some of them -- would you say -- and the Riverhead Society -- would you say that they are all -- have all made a mistake? That they have never found animals with ingesting balloons?

MR. GREENSTEIN:
No, I didn't say that. What I'm saying is that the history and the research has proven they found animals dead with balloons in them, but they have never -- never has anybody proven, according to the research of the industry, that that was the cause of death. You know what? If I had -- if I had a piece of chocolate this morning, all right, which I'm not supposed to have, and I die tonight, well, I got chocolate in there, that wouldn't be the cause.

LEG. NOWICK:

So you -- all right. So you feel all these people all can be mistaken, these experts.

MR. GREENSTEIN:

According to the experts of the balloon industry who have spent millions of dollars in research, there has -- there is no record of any animal having died. We found them -- you find a turtle that's got a balloon in its lower intestine, that means it's passed through. That doesn't mean that it killed it.

LEG. NOWICK:

I think these groups might disagree, but be that as it may --

P.O. TONNA:

Question.

LEG. NOWICK:

Okay. Question. Are you aware that this bill does not ban balloons, that it only educates the public as to the intelligent disposal of the balloons? This does not ban balloons. Do you understand that?

51

MR. GREENSTEIN:

I understand that, but when you're saying anybody that releases five or more balloons is subject to a \$500 fine, a seven year old kid can let go of 6 balloons, and his father owes \$500.

LEG. NOWICK:

Well, would you agree that balloons that go up and come down are litter.

MR. GREENSTEIN:

Oh, absolutely. What I'm saying, however, is that the litter percentage is infantile. It's less than one half of 1% of the litter that's collected. And all of these collections they do measure them out, they do bring them out, and figures from all over the country have shown that it's one half of 1%. And that's not a lot.

LEG. NOWICK:

Have you walked along the beach recently?

MR. GREENSTEIN:

Oh, yeah.

LEG. NOWICK:

And you have never collected bags of balloons like the rest of these groups?

MR. GREENSTEIN:

No, I haven't. No. But I have walked down the beach, and I haven't

picked up the beer cans, and I haven't picked up the beer bottles, and I haven't picked up the plastic from the six packs or the cans. What I'm saying is that -- I'm sorry to interrupt you -- what I'm saying is that I'm not saying it's not litter, and I'm not saying that it's not a mess, I'm just saying that, you know what, it's a tiny step. If we spent this much energy with all the bottles and the other things that are littered, we might get -- we might get a lot more litter off the street.

LEG. NOWICK:

Well, I'm not saying it would not be a good idea to pick up the bottles as well, I'm just touching on this right now. You feel that -- you tell me that it's biodegradable or you tell us they're biodegradable, as an oak leaf, may I ask you a question? Do you have anybody come in and rake your lawn or do your oak leaves biodegrade and you don't have to have your lawn cleaned up?

MR. GREENSTEIN:

Actually, what we do -- and God bless my wife, because she gave me the right answer tonight -- we blow all our leaves under our trees so that they can go back to nature.

LEG. NOWICK:

How long does it take?

MR. GREENSTEIN:

The answer to your question is that the studies have been done. If

52

you've ever blown up a balloon or have seen a balloon, what you see -- within an hour or two, you begin to see a cloud, all right? I like to call it velvetizing, but it's really oxidizing. Balloons begin to fall a part the moment that they're exposed. As a matter of fact, the shelf life of a balloon is not what we like it to be, but once we inflate it with either air or nitrogen or helium, immediately the oxidation process begins, sometimes within hours the total color of the balloon is changed. Now, when they go 500 feet in the air, and they explode, they spread over a lot.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

LEG. NOWICK:

Are you aware that they have been found out in the middle of the ocean by many, many of fisherman, boatman. They come -- are you aware that they go up in the air, they hit the cold of the atmosphere and they come down in shards. They make a -- you do agree that they come down as litter.

MR. GREENSTEIN:

Oh, sure.

LEG. NOWICK:

You don't have a problem with that.

MR. GREENSTEIN:

I don't like the litter but what I'm saying is to stop a whole movement of pleasure because of one-half of 1% of billions of pounds of litter, it just doesn't add up.

LEG. NOWICK:

But don't you think that's an awfully fast pleasure, to throw it up in the air and then you've littered? Now, would you agree that the people that get the most pleasure might be these children, and here they are saying let's do it for the environment; do you think it's fair to say these kids have a one-upsmanship on us?

MR. GREENSTEIN:

I would have chosen not to be here tonight if I knew they were here. Because they're a tough act to follow and nobody wants to follow eight year old children; I mean, I've got little ones home, grandchildren myself. But the truth of the matter is Robin Siegelman -- who is a wonderful girl, she worked for me for years -- who is their teacher has shared with them information that was available but she didn't have all the information, it's single-sided.

LEG. NOWICK:

I'm not going to grill you any further. Thank you.

MR. GREENSTEIN:

Thank you

P.O. TONNA:

Thank you very much. Maria (sic) Pendzich? I did this wrong. You're going to have to tell me how to pronounce that name.

53

MS. PENDZICH:

Pendzich.

P.O. TONNA:

Oh, I got it right, Pendzich. Okay. I got Maria right.

MS. PENDZICH:

You got half of it right. Fifty percent is okay. My name is Marie Pendzich and I'm here representing Sierra Club, the Long Island group, and we're here to urge you to seriously consider passing IR 1450 which is the balloon release ban.

Sierra Club has been very concerned about balloons as a form of marine debris for many years. We have recently sent correspondence to

Senator -- to State Senator Carl Marcelino to urge him to cosponsor a similar bill on the State level. There are at least six other states which have passed laws banning balloon releases including Maine, Virginia, Washington, Oregon and Connecticut which has done so 12 years ago. Since plastics have become the most ubiquitous form of marine debris on our beaches and since many people are learning about the death of marine mammals and birds by entanglement and ingestion, it only makes sense that we should zealously try to prevent these tragedies where we can.

Banning balloon releases is one of the most preventable methods of eliminating some of the plastic debris that litters our beaches and land areas. And although balloons may be only one part of 1%, it still comes out to 40,000 nationwide every year ;that's a lot of balloons to be landing .And incidentally, those are only the balloons that land on the beach, the one -- the surface of the Earth is two-thirds water. So if 42,000 are landing on the beach, what's landing in the water where they are lethal? In 15 species of seabirds found in the remote midway island in the Pacific, a hundred percent of the chicks had bits of latex balloons in their gut. The National Beach Clean-up Day Records for 2000 indicate that 295 balloons were found in Nassau County beaches and 2,397 on Suffolk County beaches; unfortunately this estimate is grossly underestimated since it represents a one day a year clean-up on only select areas of beaches. Balloons continue to rain down the remaining 364 days.

In January of this year I took a hike at Jones Beach West End II, and in only a quarter of a mile stretch in only a half an hour I found 29 balloons and I brought them here today. These are rubber balloons and these were the mylar. Half an hour at Jones Beach in a quarter mile stretch, this is what I found. I didn't have time to go down the rest of the beach and it was a lot to carry already. One of the balloons that I found had the insignia of a City Council candidate from Queens, Elizabeth Crowley. She was running for City Council and we found it out at Jones Beach; that was from Forest Hills, Queens. Balloons can travel hundreds to thousands of miles from point of origin depending on the wind. Some years ago in Rocky Point Elementary School, a teacher had her students place messages in balloons and then release them; the idea was to see if they would get answers. One child received a letter from a student in Scotland.

Since we are surrounded by water on Long Island, it is not

inconceivable to assume that many balloons will land in the ocean posing a continued risk to marine life, especially since they don't degrade for as long as a year. And just to counter a comment by the balloon industry where he mentioned that a balloon would degrade as fast as an oak leaf; that takes four years to degrade.

On December 31st, 1988, the U.S. adopted the { MarPal Annex} V Protocol which forbids the dumping of plastics anywhere at sea. The Coast Guard was given authority to enforce these rules. Violators are subject to a civil penalty of \$25,000, a fine up to 50,000 and six years imprisonment, yet those who release balloons which land in the ocean go scott free. It is unconscionable that those who dump overboard are severely penalized while those who dispose of their plastics in our waters by air are exonerated.

The time has come to stop the studies and to affect serious action so that perhaps Suffolk County can go proudly on record for setting the example for the New York State Legislature to follow, which it has in the past for smoking and hand-held phones. We need you to be the leaders, the State will follow.

D.P.O. POSTAL:

I'm sorry, your time is up.

MS. PENDZICH:

I know; well, I'm finished. I have a hand -- a couple of hand-outs. One from Port Washington which shows how Port Washington itself has banned -- giving away balloons at their fares, the { MarPal} agreement, which prevents dumping at sea, and a letter from a commercial fisherman which explains the date that we had the press conference when he went out in the Atlantic Ocean to do his job --

D.P.O. POSTAL:

Marie, we'd be happy to receive those but I'm sorry, your time is up and we do have to move to the next speaker.

MS. PENDZICH:

Okay.

LEG. HALEY:

I have a question.

D.P.O. POSTAL:

Question from Legislator Haley.

LEG. HALEY:

Did you happen to -- excuse me, I have a question. Did you happen to receive a letter from a seaman?

MS. PENDZICH:

Yes, I did.

LEG. HALEY:

And what was that about ?

MS. PENDZICH:

On the day that we had the press conference here, April 16th, he went out to sea in the Atlantic Ocean doing his job and he came across about twelve clusters of balloons, between eight and ten balloons in each cluster, just floating by his ship out in the Atlantic Ocean.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Next speaker, Beth Fiteni.

MS. FITENI:

I have a hand-out for the Legislators. Thank you for having us speak. I just want to say as a vegetarian/animal lover, I'm glad to see so many young people supporting this legislation. I'm representing The Neighborhood Network. The Neighborhood Network supports the Suffolk County Legislature proposal to ban the mass release of helium balloons, Resolution No. 1450 brought forth by Lynn Nowick.

Responsible use of balloons will benefit everyone who lives on Long Island and also our local wildlife. As you've already heard, marine mammals -- to marine mammals balloons may mean death, as do other forms of plastic. Balloons are ingested by whales, dolphins, turtles, seals, fish and waterfowl who believe they are foods such as jellyfish or squid. Just a quick search on the Internet I found an example; a leather-back turtle which is an endangered species, starved to death because the latex balloon halted passage of food to its stomach. This is just one example of thousands of animals killed every year in the U.S. by balloons. Also, when released into the environment, balloons can take a long time to breakdown so they contribute to litter. I agree with the comment made about the oak leaf, they do take at least a couple of years to degrade.

Balloons can certainly still be used and then disposed of properly. Also, other creative ways to memorialize events besides balloon releases can be used that don't do environmental damage such as tree planting. Neighborhood Network has worked for almost a decade on pesticide issues, both through public education and through advocating legislation. Part of the reason for these efforts is to preserve the health of our waterways and our local marine life, since we know that many pesticides are harmful to fish and other aquatic organisms. We, therefore, support this further common sense effort to reduce unnecessary stresses on our local ecology and will be urging our thousands of Suffolk County members to also support this measure. Thank you for your attention to this matter and to other environmental matters.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Kim Durham.

APPLAUSE

56

MR. DURHAM:

Hello. My name is Kim Durham and I'm currently the Director of the Marine Mammal and Sea Turtle Rescue program which is operated by the Riverhead Foundation for Marine Research and Preservation. I'm here on behalf of that organization to provide support for this proposed bill, it is a bill that our members are volunteers, many of the supporters of our program support and will hopefully support the passing of it into a bill. We've heard from some of today's finest little speakers and I can't say it any better than they can, they were fine speakers for New York State's marine mammals and sea turtles. The reality is it is fact and I have personally been working with the program since 1991 and I personally conduct many of the necropsies, autopsies on sea turtles, whales, dolphins and seals which are recovered from Suffolk County, Nassau County and the different boroughs of New York State.

I have done examinations on animals ranging from endangered { Kemps Ridley} Sea Turtles about a foot long to large, finback whales about 62 feet in length. The marine debris that is documented, any marine debris that is found during an autopsy is documented in archive and generally what is found are remnants of both latex balloons and mylar balloons. These remnants are found both in the stomach and also in the intestinal track .It's not something that is supposed to be there and I do challenge anyone that says that any piece of plastic or foreign marine debris does not cause biological problems for a living organism.

Having said all that, I also come before you as a resident of Suffolk County. And I support this bill because I'm deeply opposed to litter. I believe that it is my right as a Suffolk County resident to go to any beach in Suffolk County, to walk in any direction for wherever I'd like to go and not to come across discarded balloons, whether they be latex or mylar. I challenge anyone in this room to try to do that; and unfortunately, in this day and age, I don't believe you can. Often when our teams are going out to rescue marine life, they may not have anything to do with ingestion of marine debris. They do come across this debris that is on the beach and they generally will come back with both an injured animal and debris.

So basically as -- to kind of sum everything up, we do support this. There is indeed data that supports the fact that it is ingested, it's a tragic way to go for marine mammals and sea turtles. Sea turtles are generally found quite frequently and we do hope to see that this bill is passed. So thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is Emerson Hasbrouck.

MR. HASBROUCK:

Good evening. Actually I'm here on behalf of Christopher Smith who is Marine Program Director for Cornell Cooperative Extension, the Marine Program. Chris couldn't be here this evening so he asked me to read into the record a letter that he put together for Legislator Nowick which is being passed.

57

"Dear Legislator Nowick, my Director, Tom Williams, asked me to search information concerning the issue of mass releases of balloons and their impact on the environment. After an hour of research, I have found that some organizations and governments have banned such releases. According to a resolution adopted by the City of San Francisco, these include the City of San Francisco, the State of California, Walt Disney World, Six Flags Great Adventure, the White House and the U.S. Navy; there may be others I have yet to find. There are two reasons for the bans, one is their impact of wildlife, the other is the potential shorting out of power lines. The resolution adopted in San Francisco is attached to this letter which has a particularly useful reference section."

And many of the clauses that are in the san Francisco resolution, most of the WHEREAS' all have references next to them and there's a literature cited section in the end if you want to check on those references.

Two of the main things I would like to point out in the resolution from the City of San Francisco are three things. "WHEREAS, the National Park Service has called for a national ban on the releasing of balloons within the designated national parks. WHEREAS, the White House and the U.S. Navy have voluntarily suspended mass balloon launch activities. WHEREAS, Walt Disney World of Six Flags Great Adventure have discontinued mass balloon releases."

I think if it's appropriate for the White House, the U.S. Navy and the National Park Service, it's something that Suffolk County may want to seriously consider .Thank you.

D.P.O. POSTAL:

Thank you very much. I have no other cards for this public hearing. Is there anyone who would like to address the Legislature on this hearing? Please come up and give your name.

MS. ESPOSITO:

Adrienne esposito, Citizens Campaign for the Environment. I just wanted to make one other point regarding this legislation that hasn't been made yet, and that is an additional reason to ban balloons is

that when balloons are on the beach, even if they are deflated, they still tend to blow. And when balloons blow along the beach, one of the other factors that is created there is that they disturb nesting shore birds. And as many of us here know, nesting shore birds in Suffolk County, particularly for instance the Piping Plover as well as the lease turn, when they are disturbed during the nesting process they will abandon the nest. So this legislation will also assist us in threatened and endangered shore birds preservation.

And in particular, the Sierra Club woman said she found those balloons on the west end for Jones Beach and that happens to be a very important breeding ground and nesting ground for the Piping Plover and the lease turn. Thank you.

D.P.O.. POSTAL:

Thank you. Anyone else who would like to address the Legislature on

58

this public hearing? Hearing no one, Legislator Nowick?

LEG. NOWICK:

Motion to close.

D.P.O. POSTAL:

Motion to close, seconded by Legislator Foley. All in favor? Any opposed? 1450 is closed.

I have a motion by Legislator Haley, seconded by Legislator Towle setting the date of May 21st, 2002, at 2:30 P.M. at the William H. Rogers Legislature Building, Hauppauge, New York, for public hearings regarding Introductory Resolution 1504, 1541 and 1542. All in favor? Any opposed? The public hearings are set.

We're now going to return to the public portion. Please remember that speakers have three minutes. We're going to continue with Dr. Whitbread. Is Dr. Whitbread here?

MR. GREENSTEIN:

The doctor wasn't able to make it, he left a written statement if I would be able to read it to the Legislature.

LEG. POSTAL:

Well, we'd be happy to have you submit it to the Clerk who will distribute it to each of us. Thank you. Ilona, if you could just get that statement for us. And we'll move along tom the next speaker. Paul, I think it's DeVraul (sic); am I pronouncing that right?

MR. DeVAUL:

Correct. Presiding Officer, Legislators, my name is Paul DeVaul, I am

the Suffolk County --

D.P.O. POSTAL:

Can I just ask you --

MR. DeVAUL:

-- Commander of the American Legion.

D.P.O. POSTAL:

Excuse me. Can I just ask you to try to speak into the microphone so that we can hear you better?

MR. DeVAUL:

I thought I was.

D.P.O. POSTAL:

I know you're very tall, so.

MR. DeVAUL:

Is that better? Okay. My name is Paul DeVaul, I'm the Commander of the Suffolk County American Legion. I came here tonight as a fact-finding mission to find out exactly what the process was and what the request was for the walk-a-thon that was proposed by Frank Belsito. I really don't have any arguments against it, however, Mr. Belsito brought me into it by suggesting the fact that he was so willing to provide

59

information to the County as far as the funds that were raised for the Pearl Harbor Memorial Museum. Unfortunately, upon several requests for the information, he has not, not given any detailed reports, continues to refuse to do so.

I have a question on the grant. How is the grant money accounted for to the Suffolk County Legislature? If I were to ask for \$10,000 for the Suffolk County American Legion for a special project, what would I have to do to provide that documentation to you? If the Suffolk County Auxiliary, women's Auxiliary, asked for \$10,000, what would they have to do to provide that documentation? And along with the Sons of American Legion for another \$10,000? It seems like a lot of money. I really didn't want to get into this tonight, but he kind of threw me into it by making some statements.

Suffolk County American Legion as a group, body funneled money to the Pearl Harbor Memorial Museum. Post and individual veterans gave money to the American Legion of Suffolk County to pass on to the Pearl Harbor Memorial Museum. All we asked in return was document to us who gave money, how much did they give and what was it spent on? According to him tonight, he said it was available, he would be willing to give it, but that is not the case, he has refused time and time again to the point where he was actually banned from coming to

County meetings. Now, enough said about that.

I just want to thank you, the Suffolk County Legislature, for your support of the veterans and the American Legion. And it's quite evident and it's very evident on Veterans Highway at the plaza; the memorials there are magnificent. And I thank you for all your support of those who are on active duty and those who were recalled to active duty after September 11th, my son being one of them. We all are fighting the war against terrorism and I thank you for your support.

After September 11th, I called the Suffolk County Police, the Fire Emergency Rescue and the Suffolk County Executive's Office and I offered posts and people in the event that we were hit here in Suffolk County.

D.P.O. POSTAL:

Mr. DeVaul, your time is up but Legislator Lindsay has a question.

LEG. LINDSAY:

Paul, would you please tell us further about the activities of the American Legion.

MR. DeVAUL:

Of the American Legion?

LEG. LINDSAY:

Continue talking.

MR. DeVAUL:

Briefly, we have approximately 8,000 veterans, war hero veterans in Suffolk County that belong to the American Legion through various posts. There are 48 posts in Suffolk County. Our efforts are on behalf of veterans helping them at the VA Northport Hospital, raising

60

funds for them, trying to help provide for the families of those who have lost loved ones. We are a support network, we work with the auxiliary, with the sons in the American Legion and the gold star parents to help them with their there programs. We are war-era veterans, we're here to help any way we can, that's why I made that offer to the Suffolk County Executive, the Fire Rescue and Police Department after September 11th. I had people lined up and posts lined up all over the place to house rescue workers, to supply -- to have a space to supply those workers with all the donations that were given, we got a call from the Salvation Army and the Red Cross and they were inundated with donations, I provided seven posts for them to store the material or to be brought into Ground Zero. We weren't called upon but we were ready. Any other questions? Thank you.

D.P.O. POSTAL:

Thank you, Mr. DeVaul. Next speaker is -- looks like Greg {Slazer}? I don't know if I'm pronouncing -- reading your hand-writing right. Mr. Slayer, Slazer? Slager? No, I don't think he's here. Christine Sizse? Christine Sizse? I see a hand up, is that Ms. Sizse?

MS. SIZSE:
Yes, it is.

D.P.O. POSTAL:
Okay.

MS. SIZSE:
Good evening, Legislators. My name is Christine Sizse and I live at 73 West Avenue, West Sayville.

On behalf of myself, my family and my neighbors that are here tonight, I'm also in favor of resolution 1420 in support of saving the Blue Point Clam Building and keeping it as an historical site or a marine educational program. For the last eight years I have been involved as beach captain for Intercoastal water clean-up which is held every September. It is sponsored by the Keep Islip Clean and it is for one day for three hours. We pick the children from my block to clean-up the West Sayville pier and the West Sayville Beach. We don't need more condominiums which only will bring more cars, more trash, more sewer ceptic waste into our beautiful bay. We need to do the right thing for our environment, to protect our community, our children and our grandchildren now and not wait. We must keep our waters and bay clean.

I also speak from the heart. As you see what our innocent children said about our waters and sea life tonight, I can't begin to count how many balloons and six packs that I have found as beach captain on the beaches. As the children say it all -- as the children said it all, I now say it also. So please vote for 1420. Thank you. Good evening.

(RETURN OF STENOGRAPHER - LUCIA BRAATEN)

MS. MAGUIRE:
Good evening. I speak for the Library Committee. I'm Co-Chairman from Elwood in Huntington. As you probably know, in 1999, the residents could no longer purchase library cards. And being that we

61

were one of the areas without our own library, that took away our services. But we entered into contracts with six surrounding libraries since that -- 1999. The contracts were always based on the formula through Suffolk County Library Services Resource Sharing Code, which was the County average per capita multiplied by the population according to the latest census. In December of 2001, when the subject of a new contract came up, the first offer that was made was to give

Elwood a three year contract at 9% a year increase, and that was decided by the school board that it would not pass with residents and they should come up with something else. So in February of this year, the offer was made with no talk about using the County per capita or the 2000 Census, but they offered us a contract with a 4.7% increase for one year, and we should have a vote to billed our own library, and at that point, they would give us six months at a prorated base.

My question is, and perhaps you people could help us, there are seven other districts in Suffolk County who are contracting. They contract on the county per capita based on the recent population. They are not being threatened to end contracting. They are not being told that they have to build their own library. And I would like to know why we are being singled out and threatened that we will no longer have services after this year? And I was wondering if the Education Committee could possibly look into this. And if I could contact through Presiding Officer Tonna's Office and find out if there's a way that you people can lead us to go or if you can help us.

D.P.O. POSTAL:

Thank you. Thank you very much. Next speaker Edwin Schwenk.

MR. SCHWENK:

Thank you very much, ladies and gentlemen, I'm Edwin M. Schwenk, 150 Edge of the Woods Road, Southampton, New York. I'm here to speak in reference to the proposition on the Water Authority. You know, I keep hearing the words about non political, non political, we've got to keep it non political. Well, for your information, Mr. James Tripp is a member of the Board of Directors, the League of Conservation Voters, which is not a 501C3 organization. In other words, it's not a not-for-profit organization, it is a political organization. And I say political, because Mr. Tripp himself this last election was out on the East End interviewing candidates to give them endorsement by the League of Conservation Voters or not.

Now, I think that if we really want to stick to the word of keeping politics out of the Water Authority, we have to then look at that situation and say, which one of you up here are going to be interviewed by Mr. Tripp the next time as to how you feel about whatever he might be thinking of? And I think that we don't want to get into that, we want to keep the Water Authority in the highest -- highest possible way with non political influence in any way, shape or manner. I also think that Mr. George Proios has not been given proper credit here, particularly this evening, as to his capabilities. This is not a political appointment without credibility. George Proios has been very active with the Soil Conservation Board, he was very active in the Pine Barrens, many times filling in for Mr. Gaffney, our County Executive, and has operated in the County of Suffolk for some 20 years in one capacity or another.

So I think for this to be very fair, and to keep our eye on the ball as to what we really want in the Water Authority, and perhaps not to get into the problems that we've gotten in here this last week with full page adds that are in there getting people all excited over the fact whether the next terrorist is what's involved with the water situation here in Suffolk County, call it untimely if you will, but it sure didn't get people anything except excited over the fact is this a terrorist activity or what does this ad really mean with the headline? And you all saw it. And you saw other things that happened with the telephone, those messages that were sent out. And blame whoever you want to, but Mr. Tripp -- I was here on Tuesday when he spoke in front of the Environmental Committee, was very squirmish as to whether he knew what was in those ads or he didn't know, whether he knew they were approved by the Board or whether they weren't. And I think we heard here tonight that perhaps they weren't. So let's try to keep out of all of that difficulty. It's a very controversial appointment, Mr. Amper said that. And I know that he is for the best with respect to the Water Authority, Lord knows he's done a great job with the Pine Barrens. He and I may differ on this appointment, but that's okay. I do believe that the right thing to do would be to have George Proios appointed to the position of the Suffolk County Water Authority. Thank you very much.

D.P.O. POSTAL:

Thank you.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Next speaker is Wayne Kaler.

MR. KALER:

Hi. I'm Wayne Kaler of Sayville, and I just wanted to urge the Legislature to support 1420 --

LEG. LINDSAY:

Wayne, could you speak into the mike.

MR. KALER:

Okay. I'd like to urge the Legislature to vote in favor of the acquisition of the Blue Points Company of West Sayville. I don't know if you know it, but the Blue Points Company's history goes back to King George before the United States even existed. And I was kind of dismayed that -- to find that a developer was -- had plans on turning it into a condo, and this -- that facility and it's property is -- has been part of the fiber and the richness of Long Island's history. And to see it turned into another developer's money making scheme is very disappointing.

I think the property would be better used for marine research. As you know, our shellfish industry has been basically decimated. The Blue Points Company was active in growing seed clams, researching how to make them better grow in our bay. This facility could continue doing this, and it would be open to the public and an education and, you know, for other -- other recreational things. And I would just urge

63

you to please do this. Too often the character of Long Island has been destroyed by development, what was once pine and hardwood forest and family farms and fisheries and work boats we often find cement block industrial buildings and strip malls. And the character of Long Island is slowly disappearing. So I'd sure like to see this become part of public land. And thank you.

APPLAUSE

D.P.O. POSTAL:

Thank you. There's a question from Legislator Alden.

LEG. ALDEN:

Hi. Just you made a statement that the developer has a money making scheme. What do you mean by that?

MR. KALER:

Well, of course, you know, he's not in it as a -- I mean, any developer is not going to develop a piece of commercial property to lose money, it's simply --

LEG. ALDEN:

No. But a scheme has a certain connotation to it. When I think of somebody putting up like condominiums, I think of somebody putting up housing for people, possibly for first time home buyers and things like that. Because if we use that same phraseology, Suffolk County has a scheme to supply --

MR. KALER:

Perhaps scheme was a bad choice of words, but I'm sure these -- these condos wouldn't be for first time owners, because it's right on the shore.

LEG. ALDEN:

We don't know that. But it would provide housing to someone.

MR. KALER:

Yes. And I'm not opposed to housing, but what I'm opposed to is seeing a historic site that goes back almost two-and-a-half centuries turned into a condo.

LEG. ALDEN:

Okay. Thanks.

APPLAUSE

D.P.O. POSTAL:

Thank you very much. Next speaker is Lauren Storms. Is Lauren Storms here?

MR. AMPER:

She just departed. She was only going to do two sentences, one saying the Pine Barrens Society was opposing Resolution 1287 to reestablish a Suffolk County Department of Real Estate. We've already talked to you about that. But most importantly, to say we strongly support the passage of the implementation of the Real Estate Reform Package and

64

eagerly I hope that you do that.

D.P.O. POSTAL:

Thank you. Next speaker Regina Seltzer.

MR. AMPER:

She's departed.

D.P.O. POSTAL:

Okay. Next, Kathy Ayers-Lanzillotta.

MS. AYERS-LANZILLOTTA:

Hi. Thank you for the opportunity to speak. It's difficult to transition from talking about all this environmental stuff and balloons on the beach to talking about beer, and chemical dependency. I'm the Administrator of Catholic Charities Alcohol and Substance Abuse Services and the President of the Quality Consortium of Suffolk County representing 24 of the not-for-profit alcohol and substance abuse service providers. And I'm here to speak on Virginia Fields' Sense Resolution 30-2002. I'll just pass around our brochure.

LEG. ALDEN:

Just put them right on the end there, we'll get them.

MS. AYERS-LANZILLOTTA:

In general, the Quality Consortium is representing 24 of the not-for-profit contract agencies through our County Health Department. We operate prevention treatment in hospital based settings and in the community based settings. Catholic Charities the only crisis center, which is a 35 bed facility in Bohemia. This Sense Resolution is one that would really put our County on the cutting edge, as a county in the country. We strongly support this resolution, as our service delivery system has had inadequate funding for years. I have to say that over eight years, we suffered with flat funding, and the needs of

the community has been increasing; the number of kids that are drinking, the number of problems that we're been dealing with on a day-to-day basis in our treatment settings and in the prevention world has been increasing drastically.

I call your attention to the statistics, and I'm not going to read all of them to you, that really point to the fact that for every dollar in treatment, you save \$7 in the criminal justice system. Fifty percent of patients successfully treat for chemical dependency, it saves medical costs, they decrease by 50%. There are several statistics that show that our service delivery system here in Suffolk is among one of the best in the state. We have work scopes that we have to live up to with the state, and we do a very fine job. This resolution would allow that service delivery system in your county to get the adequate funding to keep us alive and to keep us -- to help save taxpayers dollars in other areas. The main thing that it would do, it would delay the onset of alcohol use by minors, and that in and of itself would be the best prevention effort. If we just take five cents and put five cents on every can of beer, every bottle of beer and move that money back into the prevention and treatment system, the statistics have shown that a study of the National Bureau of the Economic Research concluded that a tax increase of ten cents for a six

65

pack of beer would decrease drinking among young people as much as raising the drinking age by one year.

Just to give you a few other basic statistics. Between 2000 and 2001, more than 62% of 12th Grade students reported using beer on an annual basis. During the same time period, more than 40% of 12th Grade students reported using beer monthly.

D.P.O. POSTAL:

Kathy, your time is up. I'm sorry. If you'd like to submit, if you have a written statement and you would like to submit it to the Clerk.

MS. AYERS-LANZILLOTTA:

If I could just say one thing in closing. There is one county in the country, that's Mckinley County in New Mexico, that did pass such a dedicated tax. There are 25 states that have a dedicated tax like this. That county has had drastic increases in their programs, and they have really served a number of people. I think it would behoove us as a county to make that happen in Suffolk, especially in the wake of 9/11.

D.P.O. POSTAL:

There's a question from Legislator Foley.

LEG. FOLEY:

Thank you for your comments. You mentioned earlier ten cent per six

pack charge, if you will. The Sense Resolution speaks, that we have before us today, od five cents per bottle. But the information that you have is that ten cents per six pack generates a critical amount of monies that would then be funneled to programs --

MS. AYERS-LANZILLOTTA:

No, that's not what I said. It's saying that ten cents per -- for a six pack of beer would decrease drinking among young people as much as raising the drinking age. So it would have --

LEG. FOLEY:

But I would also assume that whichever county or municipality has that, that those monies -- if they go to the general fund I would imagine that they would also be going to certain programs to combat drinking.

MS. AYERS-ANZILLOTTA:

It varies. Across the 25 states, there are varying degrees to which that dedicated tax goes to --

LEG. FOLEY:

How low and how high is the dedicated tax?

MS. AYERS-ANZILLOTTA:

In terms of the percentage?

LEG. FOLEY:

Correct.

66

MS. AYERS-ANZILLOTTA:

I have that information, but I have to flip through, and I don't want to --

LEG. FOLEY:

Is it as high as five cents a bottle or is it usually around ten cents a six pack or 20 cents a six pack?

MS. AYERS-ANZILLOTTA:

I would have to research that.

LEG. FOLEY:

That would be important because some of us who are generally supportive need to have more funding may look at whether or not five cents a bottle is a little bit out of the --

MS. AYERS-ANZILLOTTA:

If you look at five cents a bottle, look at how much you pay for a bottle of beer compared to what we pay, like, when I was a kid in the late '70s. It's so easy to get it. I mean, I pay my baby-sitter

\$5.00 an hour, you can buy a 12 pack of beer with \$5.00.

LEG. FOLEY:

There's also an issue too with the amount -- with the amount of taxation that particularly state governments levy on beer and liquor, whether or not they should also recalculate their formula so that some of those revenues would flow to localities who would -- and this is a mandate that I wouldn't mind in the state as long as they gave us the money is that if some of those monies were made available to cities and county governments in the state, as long as they were used as Legislator Fields would like to see it used for, and she's absolutely right, for programs for those who have problems in this area. That to me would make a lot of sense for the state to rechannel, if you will, refunnel, redirect some of those revenues to localities.

MS. AYERS-ANZILLOTTA:

I think, if I may, if 80% of the beer that's bought is bought by 20% of the population, the majority of -- the majority of it is going to be the tax burden, no matter how you do it, whether you do it at the state level, county. It's going to be placed on the people that are high end consumers. These are the people that are in the hospitals, these are the people that are in my crisis centers. These are the 250 callers that call monthly that I have to turn away, because I don't have a bed available. It would be a prepaid health plan if you put it there. Thank you.

D.P.O. POSTAL:

Legislator Fisher has a question.

LEG. FISHER:

Kathy, you may have mentioned this, and I'm trying to remember, because you had done a presentation at the Women's Caucus. Is this only on retail sales, or is it also at bars and restaurants? I didn't remember.

67

MS. AYERS-ANZILLOTTA:

Well, I think -- I'd ask for your help on this one, Legislator Fields. I think as the resolution was written it was on per can and bottle of beer, that's how this resolution was written.

LEG. FISHER:

What if you buy a bottle of beer at a bar, is there -- anything attached to that?

MS. AYERS-ANZILLOTTA:

I'm not sure how that would work.

D.P.O. POSTAL:

You might want --

LEG. FISHER:

Counsel can respond to this, I think.

MR. SABATINO:

I don't want to do it from memory, so I'm just double checking. I believe it was all retail, but just let me be certain. Yes, it would be all retail purchases, whether it was in a supermarket or at a bar or restaurant.

LEG. FISHER:

Okay. Thank you, Mr. Sabatino, because it wasn't that clear in the first resolved to me, you know, where it was, but I suppose because it says -- because it doesn't specify it, then the assumption is any purchase anywhere, is that how we're saying it?

MR. SABATINO:

Yes. It also -- the sections that are being amended, I had to just double check. I know those sections of State Tax Law.

LEG. FISHER:

Okay. Thank you.

D.P.O. POSTAL:

Thank you very much.

LEG. FISHER:

Thank you, Kathy.

D. P.O. POSTAL:

Next speak is Robert Wemyss.

MR. WEMYSS:

My name is Bob Wemyss. I'm the Secretary of the North Shore Baymen's Association. I'm here to speak about the Bluepoints property, but actually a resolution that isn't on, because it's about the underwater land, 13,000 acres of the Great South Bay that was -- people have been saying it was colonial title, which is a fallacy. It does relate to the colonial title, but Bluepoints Corporation acquired the property through a deal with the town -- with the Town of Brookhaven, which it's public land, the Town of Brookhaven really never had the authority to alienate the property to Bluepoints Corporation. It was

a political corruption to create an exclusive right of fishery to 13,000 acres of underwater land for Jacob Ockers who tried to buy underwater land from Virginia to Maine out from under the public right to harvest shellfish there. And as for the upland property, I could see it being a museum, but I don't think it should be used as a jump-off point for illegal dredging operations. This company, for the

last several years, while it was still operating, sent dredge boats out everyday and spun a 70 foot mechanical boat around digging a paltry three bushels of little neck. Using that kind of a fishing tool to overharvest the underwater land was absurd. And Town of Brookhaven should have stepped in.

Out east, we just got back 10,000 acres that the County thankfully took for taxes. I'd like to put the Legislature on notice that after having taken that land for taxes, the County cannot now sell that land at auction, that land is back to the public, so that if these people who would like to dredge natural hard clams were to go somewhere else. I think restorative efforts are in order for that 13,000 acres of underwater land, but the County itself should -- should look at this side transfer that may take place for this 13,000 acres between Cornell and Bluepoints, because this is -- this is a SEQRA Act. Thirteen thousand acres of underwater land, public trust land, being transferred even between private entities is a SEQRA Act, and the use for this property needs close public review. And it's just incredible what the County and the state did to the baymen of this state, allowing these companies to run roughshod with dredges. And every time we came and complained, we were shooed away, because the coffers of the County were filled. I think you'll even find that the tax record will show that a paltry amount of tax has been paid by these -- by these corporations, if it's ever paid at all. It took 15 years of unpaid taxes with the land out east for the County to take action, and only then at the constant prodding of baymen who were sick of these dredging activities.

D.P.O. POSTAL:

Thank you. Your time is up.

MR. WEMYSS:

Thank you.

LEG. FISHER:

Madam Chair.

D.P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Can you just back up a little bit. Can you tell me the direct effect of the dredging to the baymen? I'm sorry.

MR WEMYSS:

Well, hydraulic dredging, and there was just a National Sciences Report on the dredging effect on underwater land is negative. It's definitely contraindicated inshore. It suspends thousands of cubic yards of bendick material, increasing oxygen demand, and it's a shotgun approach to harvesting -- to harvesting clams. When these

guys couldn't grow oysters anymore, they just went out and dredged natural hard clams, and the politicians have been on board with them right along. It's been my experience. We got rid of them in Huntington, we finally got rid of them out east, and God willing we'll get rid of them in the Great South Bay.

LEG. FISHER:

Okay. Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Beth Fiteni. Beth spoke during the public hearing, I think she may have filled this out by error.

Christine Costigan also spoke, I believe that was with regard to a public hearing on which she testified. William Lewis.

MR. LEWIS:

Madam Presiding Officer and members of the Legislature -- Madam Presiding Officer and members of the Legislature, my name is William Lewis, and with Ann Maguire who spoke earlier, I'm Co-Chair of the Elwood Library Services Committee of the Elwood Taxpayers Association.

Over the past three years, Elwood has taxed itself over \$3 million to contract for library services with SCLS for the Elwood community.

These services are provided by six excellent libraries surrounding Elwood, and the cards that we get, provide access to every Suffolk County Library. Now we are being told that we can contract for library services for only one more year, and then no more contract, no library services. In 2003, we will collect \$1.1 million in library, taxes and no one will take our money. We want to pay for library services, but we will be blocked. This means that no Elwood child will be able to borrow a book to take home after July 1st, 2003. Now, Elwood is one of eight Suffolk school districts contracting for library services, but the only one being threatened with no contract in July of 2003.

Why is Elwood being singled out? We'd like to know. Elwood needs to know what are our options? The only information we can get comes from the Suffolk Cooperative Library Services, and this organization speaks as a monopoly, a monolith, and they are the ones saying no more contract. We want to ask this body and the Education Committee, in particular, to look into this and hold hearings if necessary to make the facts public. The taking away of library services is a serious public education issue. Now, we believe the facts need to become a matter of public record. And we ask that you help -- we ask your help creating that record. Somehow I feel that the New York State Board of Regents does not agree with the taking away of library services and access to the Elwood residents. From our point of view in Elwood, as Elwood residents, we smell discrimination against our school district.

After all, if we've got a million dollars in our hand, and we want to buy library services for 2300 kids and their families and their

neighbors, we think we should be able to do it. We don't think we should be blocked. What we'd like to do is we would like to have your help. We need your help in obtaining one, a fair contract, and two, equal treatment. Can we follow up with the Presiding Officer of this organization to see what can be done to address this issue? Thank you.

70

LEG. BINDER:
Madam Chair.

APPLAUSE

D.P.O. POSTAL:
Legislator Foley, then Legislator Fisher, then Legislator Binder.

LEG. FISHER:
I'll yield my turn. I'll go after Legislator Binder. It's his district.

LEG. FOLEY:
Thank you, sir, for bringing to our attention some library issues. And we have an Education Committee, Legislator Fisher's the Chair, those of us who are on there, usually speaking, we focus on those education issues germane to the County government, which is the Community College. What I would also suggest is to speak -- it would be important to speak with the State Legislators who represent your particular library district, okay? Many times people come to this forum, which is fine, but I think for the most part these issues are -- are a function of the New York State Ed Law. That being the case, you really need to speak -- we can do it also, we can also speak with our counterparts in the state, but it's important for you and other advocates to speak to the State Legislators so then they can try to get answers from the State Ed Department or whether it's some other state agency, entity. They're the ones that can determine whether, in fact, state law is being followed or state law is not being followed in relationship to you have only one more year left on your contract.

Since the library system is more of creature of state law than it is of county law, it's all the more -- I would say -- appropriate to speak with your State Senators as well as State Assemblymen and women, some of whom within Suffolk are members of the Education Committee, be it in the Assembly or State Senate.

MR. LEWIS:
Yes, I have spoken before the Education Committee on one occasion, your committee.

LEG. FOLEY:
And as far as the State Legislators, have you contacted them? What

was their response?

MR. LEWIS:

We have contacted them, and we are setting up appointments with both of those.

LEG. FOLEY:

Great.

MR. LEWIS:

I appreciate your comments. Thank you very much.

71

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Madam Chair, I was hoping Counsel would be here. Counsel just walked out, because I wanted to ask him --

D.P.O. POSTAL:

We can ask him to step in.

LEG. BINDER:

If we could, because I wanted to ask him about Suffolk Cooperative Library System and our relationship as a County with that. Because from my knowledge --

D.P.O. POSTAL:

If you would just hold off, he is returning.

LEG. BINDER:

There we go. Counsel, I wanted to ask about the relationship between Suffolk County and the Suffolk County -- or the Suffolk Cooperative Library System. I don't know that there's -- other than there might even be some funding, but it --

MR. SABATINO:

Only funding. It's one of those oddities of language like Suffolk County Water Authority is not the County of Suffolk Government. Suffolk County Cooperative -- Library Cooperative is under state law, it's a state entity. But you're right, we have in the past provided some degree of funding, but purely as an act of discretion, not as a legal requirement.

LEG. BINDER:

Do we know -- I don't know if Budget Review knows where we are in terms of what kind of funding? Do we do any funding for Suffolk Cooperative -- Library System?

MR. SABATINO:

It's been ad hoc. I mean, it hasn't been a regular thing, it's been periodic.

MR. SPERO:

We did at one time provide annual funding, but it's been a while since we've done that.

LEG. BINDER:

I guess my -- the question that's being posed is, is there some way that we as a Legislature, and I kind of knew that we haven't been funding it in a while, I mean, I know we don't have a lot of connection with them, I guess as an investigational type question we can look at the legal matter, but we really don't have a lot of say in making a change here. Who would be the agency that oversees Suffolk Cooperative Library System? Maybe we can look into that for the community and help them with that.

72

MR. SABATINO:

I'll double check, but it's got to be the Board of Regents. I mean, that's my recollection just from past experience. If I'm wrong, I'll let you know, but I'm pretty sure I'm right.

LEG. BINDER:

I think the problem is going to be our connection as a County and our ability to control the subject. It's just -- the subject matter is kind of beyond us, and it really is at a state level, and that's the real concern. And then I would then defer to the Chair of the committee, if there can be some hearings looking into the legal questions involved with their ability to cutoff this contract. It would seem arbitrarily and capriciously, just on their say so, they decide to end the contract and basically, are putting you in the position of blackmail. I mean, it's pure and simple, it's blackmail; either you continue or you have no library services or you build your own building, and that's it, because we've decided it. And as you say, they haven't decided it for any other district under contract, just this district. I don't know -- and then, as I say, I would defer to the Chair of the committee, if she wanted to look in and take this up.

MR. LEWIS:

We would appreciate if you help us create that public record. And the word we've been using is extortion.

LEG. BINDER:

Okay. That's another one, blackmail, extortion, same family.

LEG. FISHER:

Well, I had invited you to come to the full Legislative session today

because when you did come to committee, there were a few members of the committee absent. We didn't have a quorum, and I did want you put it on the record, particularly here, because your Legislator, the Legislator who represents your district, is here. And because this is a state issue, and governed by New York State Education, I thought that it would be best to approach your state representatives first, have their determination on this, and we, as your County representatives, can advocate for you. And I'm sure your Legislator will be speaking with your state representatives, as well and advocate you in that manner. And perhaps together we can achieve some fair and equitable treatment of the people who live in the Elwood School District -- Library District.

MR. LEWIS:

Thank you. We appreciate your interest. Thank you, Legislator Binder.

D.P.O. POSTAL:

Thank you.

APPLAUSE

D.P.O. POSTAL:

Next speaker is Alpha Pandya. Alpa, excuse me.

73

MS. PANDYA:

Hello. Is that good? Hi. My name is Alpa Pandya. I'm with the Nature Conservancy. I'm here to speak about two IRs. One is 1169, the Omnibus Reform Bill, we hope you pass it. And the other one is IR 1420, which we also urge you to pass, which is the Bluepoints parcel, the uplands portion, which you had authorized planning steps to acquire the five upland acres on the Blue Point property in Islip. This would be the site for a South Shore Estuary Reserve Maritime Center, which would be a center for maritime research and education. This is a unique and ideal site for this center not only because it would be near the Suffolk County Maritime Museum, but has been identified by the South Shore Estuary Plan as important for the protection of coastal water resources in this area.

This uplands parcel is also unique because of the adjacent 13,000 underwater acres in the Great South Bay, which are also available for public ownership as contemplated by Ir 1419. Bringing this five acre uplands property into public ownership is an important part of a vision for a maritime center and marine park where the preservation, restoration, education and research of Long Island's maritime resources can be studied, learned about and implemented. We urge you to pass IR 1420. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is William Stoner.

MR. STONER:

Thank you very much for letting me come here today and speak about Resolution 1399, a law to ban smoking in bowling alleys. I'm here today on behalf of over 400 volunteer advocates to testify in support of Resolution 1399. And I actually have two supporting letters of individuals that couldn't be here today that I would like to submit with my written statements for the record. If I could read it real quick, I'd appreciate it. This is from an athletic department at Comsewogue -- I'm probably pronouncing that incorrectly.

LEG. FISHER:

Commsewogue.

MR. STONER:

Thank you very much. School district from Legislator Fisher's district, and it's from Anthony Perna, who is the interim athletic director. They have two bowling teams at this school. "As an educator and athletic director for the past 37 years in Suffolk County, I would wholeheartedly like to place my support behind the ban on smoking in all bowling alleys proposal, which is coming up shortly. I feel strongly about the fact that our students who play on teams not be exposed to harmful effects of smoking in alleys as we play. If I can be of further assistance, please do not hesitate to contact me." And I'm sure a letter has been forwarded to Legislator Fisher. Thank you for that one.

Another one is from a resident of Suffolk County who states, "as a past bowler and someone who has spent a fair amount time in bowling centers, I fully support the smoking ban in bowling centers throughout Suffolk County. I'd like to take the centers" -- I'm sorry. "I would

74

like to see the centers eliminate smoking especially since children spend a considerable amount of time in this environment. This letter is meant to be a statement in support of the smoking ban in bowling centers." Those are the two public comments I have with me.

I would like to commend the full Legislature for their efforts on banning smoking in indoor places in Suffolk County. These efforts are heralded by the American Cancer Society. And I assure you as you continue these efforts to improve and become the best county in New York State once again. In previous statements, I mentioned that Putnam County has recently surpassed us as far as clean indoor air laws, and Suffolk County in my mind should always be number one. So when you continue in these efforts, we'll be side by side, we'll help you all the way. And we'll give you as much support as we possibly can. Thank you very much. Questions or comments?

D.P.O. POSTAL:

Thank you, Mr. Stoner.

MR. STONER:

Thank you.

LEG. FISHER:

Thank you.

D.P.O. POSTAL:

Our next speaker is Eric Price.

MR. PRICE:

Good evening, everyone. I'm Eric Price. I promise you won't have to use the buzzer, I'll make it very short, sweet and to the point. I represent the Suffolk Youth Partnership as well as the Babylon Village Youth Project, and I'm here to support Ginny Fields' legislation to ban smoking in indoor locations within bowling alleys. I've got to commend the Legislators here for doing such a fine job in the past, and I hope that we continue this in the future, as well as enforcing and increasing the current laws to protect our youth, as well as our community members. Thank you.

D.P.O. POSTAL:

Thank you, Mr. Price. Actually Legislator Fields is a cosponsor of a bill that's sponsored by Legislator Fisher.

MR. PRICE:

I apologize. Thank you. Thank you both.

D.P.O. POSTAL:

But they both appreciate your statement. Thank you. I have no more cards. Is there anyone else who would like to address the Legislature? Mr. Balsito, you already spoke during the public portion, so your not allowed to speak again.

MR. BALSITO:

Well, I think a door was opened here tonight.

75

D.P.O. POSTAL:

No, I don't think so. You cannot address the Legislature twice during the public hearing of a single meeting.

MR. BALSITO:

Well, then I'll be back at your next meeting.

D.P.O. POSTAL:

You can certainly come back to our next meeting.

MR. BALSITO:
I sure will. Thank you.

D.P.O. POSTAL:
Thank you. Anyone else who would like to address the Legislature?
Hearing no one, we're going to move to the agenda. Will all
Legislators please return to the auditorium.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
Our first is --

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
-- going to be a motion by myself, seconded by Legislator Postal for
the Consent Calendar. All in favor? Opposed?

MR. BARTON:
18.

LEG. BISHOP:
Mr. Chairman.

P.O. TONNA:
Yes.

IR 1420. Authorizing planning steps for the aquisition of land under
pay-as-you-go 1/4% Taxpayer Protection Program. (Land known as
Bluepoints Company Property- Uplands, Town of Islip) (FIELDS)

LEG. BISHOP:
I'd like to make a motion, there are a couple matters that -- that we
could be in for a night with some Cinderella implications and so on,
so I just want to get a couple of things out of the way early on if we
my colleagues --

P.O. TONNA:
Dave, we have a small -- let's pick up steam, and then at eleven
o'clock, if you need --

LEG. BISHOP:
This is a great way to pick up steam. This will get rid of a couple

P.O. TONNA:

All right. Make your motion.

LEG. BISHOP:

1420, that's the Bluepoints Company, we've heard a lot about it tonight. There are still people here, let's take it out of order.

P.O. TONNA:

Let Dave make his motion and then just vote it no, if you don't want to.

LEG. CARACAPPA:

Second.

P.O. TONNA:

All right. Second by Ginny to discharge. A motion and a second --

LEG. BISHOP:

Take it out of order.

P.O. TONNA:

Take it out of order, okay. Take it out of order. All in favor? Opposed? I'm opposed to it. Fine.

LEG. CARPENTER:

Opposed.

MR. BARTON:

16.

P.O. TONNA:

All right. So now you have 16. Go ahead. Now what do you want to do?

LEG. BISHOP:

I think she has a motion to approve, I assume.

P.O. TONNA:

Motion by Legislator Fields to approve.

LEG. FOLEY:

Second.

P.O. TONNA:

What resolution?

LEG. BISHOP:

1420.

LEG. FOLEY:

Second the resolution, Mr. Chairman.

LEG. CRECCA:

I'd like to find it in the pages.

77

LEG. GULDI:

Page nine.

P.O. TONNA:

1420. There's a motion -- Dave, let's not do many of these.

LEG. BISHOP:

Just one more after this.

P.O. TONNA:

1420, there's a motion by Legislator Fields, seconded by Legislator Foley to approve 1420. All in favor? Opposed?

MR. BARTON:

18.

LEG. CRECCA:

This is on what, 1420?

P.O. TONNA:

1420.

LEG. CARPENTER:

To take it out?

P.O. TONNA:

No. This is now the voting on the merits. Is there any abstentions, anything?

LEG. CARPENTER:

Abstain.

P.O. TONNA:

All right. Legislator Carpenter abstains. Fine.

MR. BARTON:

17, one abstention.

P.O. TONNA:

Thank you very much. One more.

IR 1388. Implement Real Estate Division Reform. (BISHOP)

LEG. BISHOP:

Then other one, the reason I would take it out of order is it may engender debate, it may not, 1388, which is the Omnibus Real Estate

Reform --

P.O. TONNA:
No. No.

LEG. BISHOP:
-- which the reason, Mr. Chairman, that I'd like to get it done up front is because it's been a long time waiting, and essentially, if this gets delayed past this meeting, then we will further have delayed

78

this entire process, which is stymied all real estate purchases.

P.O. TONNA:
Dave, you know -- is there a second to Dave's discharge motion?

LEG. FOLEY:
I'll second. It's not a discharge.

P.O. TONNA:
I mean to -- I'm sorry, to take it out of order.

LEG. FOLEY:
I'll second.

P.O. TONNA:
Seconded by Legislator Foley. Let's just vote yes or no. Let's not even debate it. All in favor of taking it out of order? All against? I'm against?

LEG. TOWLE:
Do a roll call.

P.O. TONNA:
A roll call.

(ROLL CALLED BY MR. BARTON)

LEG. BISHOP:
Yes. You wanted it expedited, yes, please.

LEG. FOLEY:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. NOWICK:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

79

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
No.

MR. BARTON:
10-8.

P.O. TONNA:
Okay. It's in front of us now. Motion by Legislator Bishop, is there a second?

LEG. CARACAPPA:
Motion to table.

LEG. HALEY:
Second.

LEG. CARPENTER:
Second.

P.O. TONNA:
Wait. Let's get a second first, by Legislator Carpenter.

LEG. CARPENTER:
No.

P.O. TONNA:
No. Second to approve by --

LEG. COOPER:
Second.

P.O. TONNA:
Seconded by Legislator Cooper. Okay. This is -- this is Resolution

80

Number 12 --

LEG. TOWLE:
I'll second the tabling.

P.O. TONNA:
-- 88.

LEG. CARACCIOLO:
1388.

P.O. TONNA:
1388. Okay. Page eight. There's a motion now to table by Legislator Caracappa, seconded by Legislator Carpenter.

LEG. CARPENTER:
No, I didn't stay that. Haley.

P.O. TONNA:
Oh, Haley, I'm sorry. Roll call.

LEG. FOLEY:
Could we hear from the sponsor of the bill to explain the bill to non committee members what this bill does?

P.O. TONNA:

I think everyone knows what this bill does. Okay. The Chairman of the committee and sponsor of the bill, do you want to explain what this bill does? And then we'll vote a roll call.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. TONNA:

No problem.

LEG. BISHOP:

Thank you, Mr. Chairman. This bill, as you will notice, is sponsored by all the members of the Environment Committee, and we have worked very diligently, and I hope you will agree effectively, in reviewing all of the recommendations of the Joint Task Force that Legislators Carpenter and Lindsay served on. The amount -- the amount of time that we put into this was extensive, and we've made a number of -- a number of changes, but not -- not significant changes to the recommendations that the Task Force came forward with. And we've added a couple of measures in addition, which we think improved the bill. Overall, the thrust of the measure is to provide accountability to the system, and to ensure that we maintain flexibility and aggressiveness in pursuing our environmental agenda in this County. As you know, since the land scandals of last year, you could substitute other language for that, since the -- you want to help me, with the substitute language since you don't like scandals?

P.O. TONNA:

Whatever it is, Dave. You've got the floor.

81

LEG. CARPENTER:

Incidents is good.

LEG. BISHOP:

The incidents of last year -- the environmental acquisitions in this County have all but stopped. One of the primary reasons for that is that the system needs this injection of confidence that the regulations that would flow from this legislation provide. So we need to pass this today to get the system moving once again. I would say that probably the biggest difference from the report, and something that colleagues should consider, is that this measure will allow us to pay more than the appraised value in certain limited circumstances, and the limited circumstances are those where the Legislature takes an affirmative vote and states as its policy on this specific acquisition that it wants to pay more than the appraised value. That is -- by the way, paying more than appraised value is currently permitted under New York State Acquisition Program, but it does so through an

administrative process. By bringing it to the Legislature and having an affirmative vote of this body, the policy making board, I think that's a more open, honest process, and one that would have more accountability than even the New York State process. As you know, there is a -- there are numerous steps injected into the system to ensure integrity, including most significantly that any purchase above \$300,000 would require dual appraisals. I hope that my colleagues have read the legislation, and if you have questions, myself and my colleagues, Legislators Crecca, Fields -- who's on my Environment Committee? Cooper.

P.O. TONNA:
And Caracciolo.

LEG. BISHOP:
And Caracciolo. Yes. Of, course, Vice-Chairman Caracciolo.

P.O. TONNA:
There you go.

LEG. BISHOP:
He's out of my periphery, that's why, Caracciolo, Cooper.

P.O. TONNA:
Okay. Thank you. Legislator Fisher, you have a question.

LEG. FISHER:
Well, I just wanted to ask Christine Costigan if she had any comments.

P.O. TONNA:
Our Director of Real Estate? Thank you. Hi, Christine.

MS. COSTIGAN:
Hi. Good evening. I was -- I worked very closely with the committee on this. We spent hours on it. What this does is put my feet to the fire. It tightens anything that was loose. I think they've done a great job. I mean, I'm probably going to be back here complaining, but right now, I think they have carried out what the Task Force asked for. Tom Isles was in on all the meetings as well, and the other Task

Force members I think are aware of his participation on the Task Force, so this legislation carries out what that report requested. It's going to make life for us more difficult, and yet on the other hand, in some ways it will make it more definite. And in that way, it's easier.

P.O. TONNA:
Can I ask a question, do you mind?

LEG. FISHER:

No.

P.O. TONNA:

My only concern there is, because it's an omnibus bill, you know -- did I say that right, omnibus? Okay.

LEG. BISHOP:

You used to say omnibus.

P.O. TONNA:

I used to say omnibus. Anyway, my concern is the one issue, and I'm looking it, the one issue where the Legislature has discretion, and I'll ask Paul and then ask you.

LEG. BISHOP:

That's what I described at the --

P.O. TONNA:

I know. Yeah. Well, let me just ask my questions, I'm sure you'll have the opportunity. I would just Paul, could you just explain that provision of this omnibus. I think it's the 23rd resolved.

MR. SABATINO:

The 23rd resolved clause deals with an issue that came up in the list of thirty-three recommendations from the Joint Executive-Legislative Task Force. There were two recommendations of those thirty-three which stated that there should be no discretion to exceed the approved appraised value with regard to an acquisition. The committee agonized over that particular provision and had a great deal of debate and dialogue and discussion, and the compromise that came out of that process is that if there -- in those situations where there's going to be two appraised values, which under another provision of the reform recommendations will be for acquisitions proposed over \$300,000, there'll be two simultaneous appraisals ordered by the County. Then if you take the mean or the average of those two appraisals, whatever that average figure turns out to be, if the seller is unwilling to sell the land to the County at that value, the Legislature by a procedural motion after an explanation and a presentation is made by Planning Director, the Division of Real Estate, the original appraiser, and the appraisal reviewer, will have the ability by a procedural motion to exceed that value to do the transaction laying out some kind of a rationale or procedure in the resolution. The first exercise of that took place two weeks ago when you did the proposed acquisition at Normandy Manor. So it would track that kind of a model where you would have a procedural motion and then you'd say what the appraised value was and then what the -- what the value in

what the rationale or the reasons for that would be in that procedural motion. So that would be a procedural resolution of the County Legislature to effectuate that kind of an acquisition.

P.O. TONNA:

Right. But how much can you exceed it by?

MR. SABATINO:

That was debated at the committee. There were differences of opinion, but the compromise was to leave it to the discretion of that procedural motion process and to leave it to the discretion of the Legislature.

P.O. TONNA:

So if it's 20% over, it's 20% over? Or is it just 10%?

LEG. BISHOP:

No. It could be --

LEG. CRECCA:

It has to come back to the Legislature for approval.

P.O. TONNA:

I don't care about that. I don't think -- I just --

LEG. BISHOP:

Mr. Chairman, it can -- just to clarify, and everybody -- I want everybody to understand what they're voting on, it could be 300% above appraised value. You could vote for 1000% above appraised value. But unlike the previous process where it was the discretion of an agency to do that, it is now a policy direction that will be stated by the County, by the County Legislature. You cannot pay a dollar above appraised value without an affirmative vote of the County Legislature. That's as it should be in my opinion and the bipartisan opinion of the members of the Environment Committee. It allows us to set the policy, and that's what we should be doing. And it provides us flexibility if we want to do that. I think it's going to be very tough to get the votes to pay more than appraised value in most circumstances, but there are occasions, and I'll give you an example of an occasion, how about our last meeting where we voted to allow a purchase in Legislator Cooper's district as part of the Vanderbilt Museum holdings?

P.O. TONNA:

Right. That's a perfect example.

LEG. BISHOP:

Right.

P.O. TONNA:

That's exactly why I didn't vote for it.

LEG. BISHOP:

Right. But he made a compelling case that it was necessary in those

84

circumstances. So it becomes a discretionary policy matter of the County Legislature, not a power that the Executive Branch or members of the Executive Branch can exercise without notifying the public and without full disclosure.

MS. COSTIGAN:

Mr. Tonna.

P.O. TONNA:

Yes. How do you feel about this?

MS. COSTIGAN:

Well, I would point out that I think the two appraisal requirement is a very good one, but it is going to bring on this very question: Suppose the requirement is that I can't pay more than the mean of the two appraisals, and we'll say the seller wants something closer to the higher appraisal, he has -- we took an appraisal that says this is a fair market value, and the seller says, I agree, I'm not coming down to the mean, I want the full appraisal. Your decision, I think, much more often might be, do you want to pay the full appraised value. See, what the bringing in the two appraisals now brings a new hurdle.

LEG. CRECCA:

Mr. Chairman.

P.O. TONNA:

Can you pay over those -- you can pay over those appraised values?

LEG. BISHOP:

You can pay over those, but you also -- if you're in between, you'd have to have a vote.

P.O. TONNA:

Let me just give a hypothetical, and let's say this is the Year 2025, okay, and this policy is still in place, none of us are sitting on the Legislature that's my point.

LEG. BISHOP:

I think I could run again, after I've term limited and then I sit out a term.

P.O. TONNA:

Right. My concern is this, this is 235 (sic), okay, and the Legislature's here, Henry's still Clerk, and what we're doing is

basically, we're giving an opportunity where the potential, where here's one piece of property that they want bought in the Town of Brookhaven, another in the Town of Huntington, and Legislators are saying, look, I know we can get this piece of property, you vote with me on this one, I vote with you on that one, nobody here would ever do that, I know that, okay, that's been my experience. But let's just hypothetically say -- I mean, all of a sudden, now it's let's make a deal.

LEG. BISHOP:

I think that, Mr. Chairman.

85

P.O. TONNA:

It's bad enough the budget process in 235, I know.

LEG. BISHOP:

Your hypothetical is interesting because you invoke 2025 and the future, if we don't move now to aggressively preserve and protect our open space, there won't be any parcels to vote on in 2025. And part of that process is considering when or whether to make certain deals. And that should be the purview of the County Legislature. Under the old system, it was solely the discretion of the Real Estate Division, now, it would be the discretion of the County Legislature. I think that's the right way to make policy. I don't think that we should tie our hands because we're ten dollars over on some circumstances and say that we can't pay more than the appraised value. And let me just say this, I spoke -- there was a lot of press about the Tammany Hall Law, Boss Tweed Law -- Boss Tweed Law being used by the state, and there was a notion that the Boss Tweed Law meant that the government couldn't pay more than the appraised value, and that would be or illegal. But that is not what the lawsuit of the state says. The lawsuit of the state does, in fact, say that there was waste and it was unconscionable, but it doesn't say that paying anything above the appraised value constitutes that waste. In fact, the Attorney General's Office said to me directly, the Attorney General believes there are many times when paying the -- more than the appraised value to acquire property is good policy. There are, in fact, many times when it is good policy, and we are the policy makers, and we should have that option.

P.O. TONNA:

Can I ask you, Dave, and I'll just finish with this question, and I'd like to ask you Christine and also you, both of you are attorneys. The only time that I've ever had to deal with property is my own refinancing, and that's a horror show in and of itself for myself. But couldn't this law potentially also bring land acquisition to a screeching halt when people say, here is the appraised value, here is everything that we have, but, if I just wait, I'm going to get a lot more money for this? And, you know what? If I decide to spend a

little money lobbying my local Legislators in 2035, when there might be some piece, maybe they'll open the Pine Barrens again or something to sell or buy it all back again, wouldn't all of a sudden -- wouldn't that also have the reverse effect of exactly what you're hoping to do? In other words, now it makes it more difficult because I own a piece of property, and I know I can -- if I hold out a little longer, I can get a better dollar for that. And all -- I'm just asking both of you who have dealt with these issues and stuff like that maybe to comment. Christine, then Dave, and then I'm done, and I have a list here.

MS. COSTIGAN:

I think your concern is well taken in the sense that the rules you make now, are they going to hold true in the future. I mean, in the Year 2025, two things -- we have two things going for us; Mr. Sabatino will still be here and the permanent institutional knowledge.

LEG. BISHOP:

And they'll still be completely fabricated legal --

86

MS. COSTIGAN:

But secondly, in the language, I think the language was fairly carefully crafted actually, and this -- when I say you put the boots to me, this one really does put a boot in that we just can't come in and say to you we think you should pay full appraised -- you know, the higher appraised value or even more. It has an affirmative responsibility, which is spelled out at some length in here, that we have to provide you with this parade of the appraiser, the appraisal reviewer and me and Tom Isles, and we have to provide you with a rationale for why you're paying what you're paying. And it has to be completely enunciated in the resolution. So this isn't a case where you can just say, passed, passed, I'll vote for you, you vote for me. This has to be spelled out as to why we're paying what we're paying. And I think that would remind the people in 2025 what they have to do.

P.O. TONNA:

Thank you, Christine.

LEG. BISHOP:

In fact, Mr. Chairman, that's an excellent point. But there's a broader change in the way that we're going to be doing business, which is that from the adoption of this forward, what we envision is that the first step will be a planning steps resolution. The planning steps resolution will not only authorize a survey and an appraisal, it will also authorize preliminary negotiations. So on every purchase we're going to know -- the Legislature's going to know the price before the adoption, before the final adoption, a two step process on significant purchases. That's a major change, and that's one what you could put on the broad heading of accountability and notification. And those are what was missing from the system. That's what I think

the Legislation is all about.

P.O. TONNA:

Just the last little question.

LEG. BISHOP:

Yes.

P.O. TONNA:

When I look at the Legislative Branch and the division of powers; Legislative versus Executive power, I think as the Legislature as the policy maker, as you pointed out, I think of it as an appropriator of money, but I think of it also as a check and balance. Where is the check and balance when basically the Executive Branch is going to do, something, okay, and advocate for a higher price, where is the check and balance?

LEG. BISHOP:

A vote of the Legislature, which is -- I mean, that is the essence of a check and balance.

P.O. TONNA:

We become a co-conspirator, that's what we become.

87

LEG. BISHOP:

If you believe Legislators are irresponsible --

P.O. TONNA:

No. Maybe in 2035, nobody here would be irresponsible. I know that for a fact.

LEG. TOWLE:

Are we limiting term limits tonight?

P.O. TONNA:

No.

LEG. HALEY:

Second.

P.O. TONNA:

Okay. Legislator Fisher then Crecca, Fields, Haley, Lindsay. That's the list, does anybody else want to be recognized?

LEG. FISHER:

Well, I certainly think that the concept of accountability is commendable. I think it's very important here, and that's what has been missing in the -- in the picture. And all of the quote unquote scandal notwithstanding, it was repeated to me often by the former

Director of Real Estate that if you paid more than the appraised value, it was illegal because that was a gift then, that the government can't make a gift. I had heard that over and over again. Can you explain to me why now we can go over the appraised value? What has changed, Christine?

MS. COSTIGAN:

The statement -- the statement isn't correct. I mean, that was a point that was covered --

LEG. FISHER:

I'm not on that committee, so.

MS. COSTIGAN:

And indeed the -- I mean --

LEG. FISHER:

But it had been a statement that was made on the record quite a number of times previously, if I recall. But it was not correct?

MS. COSTIGAN:

No. I mean the State of New York has a codified procedure for paying more than appraisals. If you --

LEG. FISHER:

I thought -- I thought there was a cap on that.

MS. COSTIGAN:

No. No.

88

LEG. FISHER:

There has never been a cap on that?

MS. COSTIGAN:

There's a lot of misinformation circling around the wagons here, and that's part of it.

LEG. FISHER:

Okay. Well, that certainly underscores then the need to have this -- this 23rd resolved, which is that working from the mean, the mean of the two appraisals.

MS. COSTIGAN:

Right.

LEG. FISHER:

Okay. Thank you.

LEG. LINDSAY:

Paul.

P.O. TONNA:

Yes. Legislator Crecca.

LEG. CRECCA:

Yeah. First of all, let me say -- I'm just echoing the comments of Legislator Bishop that the committee did work long and hard on this. I can't say that I agree with every single provision in this bill, but overall I support this bill wholeheartedly. I participated in its process, and I think it puts necessary checks and balances into the Division of Real Estate to make sure that we don't have a situation where the wrong thing is happening.

The last -- the point that's been brought up about paying for a piece of property, understand the law in New York, and if misstate this, I would ask either the Director of Real Estate to correct me or even Counsel, it's not that we -- it doesn't say we can only pay appraised value, it says you can't pay more than a fair market value. Fair market value, that term has a lot of different meanings in the sense that fair market value means what a purchaser is willing to pay on the market, okay? There are values just like when many of us bought our homes we might be willing to pay a little bit more or a little bit less for an individual piece of property because it has some sort of particularly good value to us or whatever as a County or a purchaser. What we wanted do is take out the discretion of the Executive Branch in determining what -- how much they could go above appraised value. If they could go above appraised value. It has to -- we've put a check in by saying there are 18 people who have to approve that on the record to the public and justify after a presentation of what the numbers are and all, of whether or not it is worth it to pay above appraised value.

You know, Normandy Manor is a good example. Clearly, I think the opinion of most of the people who looked at that property, even from the Division of Real Estate's point of view, is that it was still a bargain at 80,000 over the appraised value. And I still think it was

89

a good value, Normandy Manor, and I would wholeheartedly pass that motion again. And that is our prerogative as a body to determine what it is that is fair market value. I have to answer to the voters as does every single one of you.

LEG. FISHER:

Andrew, would you suffer an interruption? I want to back up a little bit to something Christine had said regarding the codification on the state level of how we can go above the appraised value, and Andrew, would we also be going through a similar process? Did you discuss that codified procedure on the state level, which allows going beyond

the appraised value? Is our procedure going to be similar to some of that?

MS. COSTIGAN:

Our procedure was sort of modeled on the thinking of that. We had that in front of us.

LEG. FISHER:

Okay.

MS. COSTIGAN:

The gist of it is that you have to demonstrate why it's more valuable to you than it might be to some other buyer. Normandy Manor, again, it's next to property you own, you know, it has historic value, you might care and value that more than I would if I'm looking for a place, you know, to live. So value was a little greater to the County in that instance.

LEG. FISHER:

That would speak to what Legislator Crecca was saying with regards to fair market value because the fair market is --

P.O. TONNA:

Yeah, but Christine, you know --

LEG. CRECCA:

You want to yield to you. I'd be happy to yield to the Chairman.

LEG. FISHER:

Excuse me, Legislator Crecca, did I paraphrase that correctly then that would impact on what you're describing as fair market value to the buyer?

LEG. CRECCA:

Yeah. In Normandy Manor there was a subdivision that was there that actually I think made the property even more valuable to a developer who wanted to come in than we were paying for it based on the ability to put additional parcels on that. So, you know, I mean, the question of fair market value becomes very meaningful. You know, I do trust this body as a whole to -- I do, you know, I trust us as a whole. We have to answer to the public, and if we're going to spend their tax dollars in a bad way, well, you know what, then we have to live with that. You know, and the bottom line is that to say it's going to be 100% over appraised value, that's not going to pass muster, and we're

going to be called on it so.

P.O. TONNA:

Okay. I just would ask people, and I think I violated it myself, but anybody else, ask questions through the Chair, because there is a list. And after Andrew's done --

LEG. CRECCA:

I'm going to sum it up now.

P.O. TONNA:

Ask it through the Chair.

LEG. FISHER:

Okay.

P.O. TONNA:

We have now Legislator Fields.

LEG. CRECCA:

I'd just like to finish.

P.O. TONNA:

Oh, I'm sorry.

LEG. CRECCA:

Just to sum my comments, this bill puts into effect a system that we worked out with the Division of Real Estate, that we worked out based on the report that was issued by the committee where -- with the Executive and the Legislature. It puts in the checks and balances that we want in the division. You know, I think we should move forward on it, and pass it.

P.O. TONNA:

Okay. This is -- I would like to get everything else done. Legislator Fields, Haley, Lindsay, Carpenter, and then we have Legislator Postal and then Alden.

LEG. FIELDS:

Although I think we spent 20 hours, I think, altogether in the committees working on these resolutions, putting them together in omnibus, I don't agree with everything that we have in the omnibus, but I'm going to vote to approve it just because I want to see the reforms, the benefit of the reforms. But after tonight, I am going to be putting in a couple of amendments, and Paul Tonna.

P.O. TONNA:

Yes.

LEG. FIELDS:

You might want to join me in some of those amendments, if that would answer some of your problems.

P.O. TONNA:

Yeah, but I would rather amend the bill first or put in a bill that

has the things, but only -- I'm not going to vote a positive on this

91

and hope that you might get your amendments passed. I'm not going to do that. Okay. Legislator Haley.

LEG. HALEY:

We talked about -- Legislator Fisher said accountability, I think it's more -- I think it's an incorrect word, I think it should be more like micromanagement. I'm a firm believer of separation between the two branches of government, and this is another typical overreach by this Legislature to take control over that which should be the purview of the County Executive. We set a policy, we provide a program, within that program, the policy, policies are established. On top of that is the funding to do that. I think there's sufficient policy for the Real Estate Division to effectively do that which they've done so well, believe it or not, in spite of the fact that you think that one individual who happens to be part of a system that acted inappropriately. That's system still worked very well because if you go back and look statistically, we have purchased an awful lot of property. And I think it's great that we've managed to do so within what's commonly referred to as appraised values. Fair market value might be somebody's willingness to pay, but it's got to be a little bit different when a Legislator who has a parcel in their particular district, six months before election, they're willingness to pay is going to be a lot different than it would be in an off year election. Let's be honest, it's a very difficult thing to all of a sudden put in this body and to extend to possible sellers --

P.O. TONNA:

Sorry.

LEG. HALEY:

You want me to start over? No. It's very difficult I think for Legislators who have a parcel that they want purchased to be able to work it out if they could show willingness to pay that much more. When you talk about fair market value and you want to now start adding criteria and your highest and best use and typical things that are used in real estate, and if you are, in fact, like Normandy Manor have -- can find a higher and better use simply because your next to that property or there's some other things or variables that you can add that an appraiser might not normally add, I can understand perhaps understand that, but that typically is not the case. Appraisers are very capable of working on market value. And if your going to leave that open that word to developers or property owners that if you don't accept that which is offered to you and you just hold out and you ask for more all they have to go back and ask for it.

Ladies and gentlemen, you've been lobbied before, and you know what you're going to go through, I don't trust this Legislature, to be

quite frank with you, to do the right thing when it comes, because there are a lot of ways to get properties without paying for it. We've done it, we've done it in a couple of circumstances in the last couple of years that a lot of you don't realize. Okay, and that sometimes could be worked out with --

LEG. CARACAPPA:
Relax.

92

LEG. HALEY:
No. You know, I'm always very quiet when you speak, Legislator Caracappa.

P.O. TONNA:
Legislator Haley has the floor.

LEG. CARACAPPA:
I don't speak as long as you.

P.O. TONNA:
Legislator Haley has the floor.

LEG. HALEY:
I love it, payback's always great. So I'm very much concerned about this Legislature doing the right thing. I don't think that giving this Legislature the ability to overpay for property is going to resolve our issues out there. I think as a matter of fact, you're going to find that when you look at 100 parcels, you're actually going to create a situation where we're going to have less of an ability to buy a 100 parcels, because if you have a limited number of monies, you're going to wind up overpaying parcels for, and therefore, wind up with less open space or less active parklands. Thank you.

P.O. TONNA:
Legislator Lindsay, then Carpenter, Postal, Alden.

LEG. LINDSAY:
I was on the Legislative Task Force that, you know, came up with some of the recommendations. And from what I can see, there's two that were modified somewhat, one, we recommend the dual appraisals for properties over a million dollars for the simple reason that we didn't want to slow down the process, we wanted to expedite it as much as possible, the committee has lowered it to 300,000. And the second thing is this whole issue of paying above the appraised value. During the course, we had a long, long discussion, our Legislative Counsel, Paul Sabatino, came in and testified before the Task Force, as well as the County Attorney was part of the Task Force, about this whole issue of whether we can legally pay more than -- than some appraised value. We keep sighting Normandy Manor, Normandy Manor, true, we might have

paid more than the median, but it was still below one of the appraisals. Now, we're talking about throwing the appraisals out the window and paying any price if we want the property. And, you know, again, I'm not an attorney, but during these Task Force meetings, we were pretty emphatically told that that isn't legal. And I have a question about those.

LEG. BISHOP:

Is the question the question.

P.O. TONNA:

Okay. Legislator Carpenter.

LEG. CARPENTER:

Thank you. I too share some concerns about that particular aspect of the legislation. I get the sense that what will wind up happening is

93

that, as has been suggested hereby other speakers, that they're -- you know the seller is going to just sit back and then come to this body in some way, shape or form and lobby for a higher price. And I think once we go down that road, we're going to be sorry. And as Legislator Lindsay said, both he and I were on the Land Review Panel, and this was one particular area that we spent an awful lot of time on, and I don't feel that it's the appropriate thing for us to do. I'd like to ask Counsel, or any members of the committee that feel able to answer it, what exactly, I don't have the bill in front of me, but what exactly is different in this bill that was not part of the recommendations from the Land Review Panel?

P.O. TONNA:

Let the sponsor answer that.

LEG. BISHOP:

I can do that. As you know, all of the recommendations of your panel were broken out into separate resolutions; 1365, title insurance company selection was done administratively; 1366, repeat appraisal reports, that was a committee decision that it was important for the County to have the option to go back and have subsequent appraisals, because oftentimes, as we all know in land purchase situations there are long delays, and if there are delays of six months or a year we didn't want to be down by a stale appraisal, and the rule that were adopted in the -- in the report would have prevented us from getting a subsequent appraisal; auction price upset, I think that was done administratively; written offer, that certainly was done administratively requiring that we submit a written offer; staff appraisal -- staff appraiser was a recommendation, we agree with the recommendation, we didn't think an appropriate vehicle would be this bill, because it's really a budget matter, and that would set a bad

precedent; offer substantiation, whenever an offer for acquisition is made it should be made in writing, again, that's administratively adopted, and we didn't think -- you know, it was obvious. And the -- and the matters that we discussed earlier, which is going above appraisal and then changing the threshold for dual appraisals from a million down to 300,000. So in one sense the bill is being criticized as being potentially too lenient because it makes it an option to pay above appraised value. In the other sense it's being criticized for being unduly harsh for requiring dual appraisals, which could potentially slow down the process.

P.O. TONNA:
Who said that?

LEG. BISHOP:
Your colleague, Legislator Lindsay.

P.O. TONNA:
No. He said just the opposite.

LEG. BISHOP:
No. About the dual appraisals, he said it.

94

LEG. LINDSAY:
The only point that I was making -- this whole thing is walking a tightrope. We want to purchase land, we don't want to be cheated. We want to purchase as much land as quickly as we can, but we don't want to be cheated. And that was the tightrope that we walked, as your committee walked in reviewing this whole thing. So it might sound contradictory, but it is a contradictory task that we're trying to --

LEG. BISHOP:
I didn't say it sounded contradictory. The point I was making is that -- is what you just said, is that you're trying to walk a tightrope, and you're trying -- and you're trying to balance two competing factors, which is, you know, fair price and being aggressive and active.

P.O. TONNA:
Legislator Postal.

LEG. POSTAL:
I was very impressed with what Legislator Lindsay had to say, because I don't think he was making the point that Legislator Bishop is making. I think what he was saying is everything is subjective. You know, nothing is hard and fast. And if you open the door to permitting a procedure that is different from purchasing at the appraised price, within the structure of requiring two appraisals for property valued over a certain level, then there's a potential for

abuse, and that he wondered about the legality of doing that. I have great reservations about this, because in a perfect world, I think that what's proposed might work very well, but I don't think that this Legislature is a perfect world. And there have been many times over the years when this Legislature has operated very effectively because partisan politics don't enter into environmental preservation. There are certain, I think, priorities that the Legislature has had which surmount partisanship. But on the other hand, I've also been here in years that I thought were very bad, maybe because I was in the minority at the time, when --

P.O. TONNA:
You still are.

LEG. POSTAL:
-- decisions -- well, I thought this was a coalition.

P.O. TONNA:
I'm teasing.

LEG. POSTAL:
When decisions were made not on the merits of an issue, but on what party registration the sponsor had. And I envision a situation in which if a majority of a Legislature is able to make a decision to purchase property for above an appraised value, that that -- that decision could be very much held hostage to partisanship. I mean, I've been here where it's not only partisanship, and I know that some of my fellow Legislators have sat around this horseshoe, and we've seen Legislators vote against issues just because they had a personal gripe with the person who was sponsoring the issue, or if it would

95

benefit that person's district. So what I'm suggesting is that I think that there are some things that need to be worked out, some things that need to be tightened. The basic intent is obviously good, and I just have a feeling that some of us have some uneasiness about the latitude that is permitted as the resolution exists. And I would suggest that we have another meeting in two weeks. It's not as if we're not going to be meeting for a month and a half or some prolonged period of time. And I can only speak for myself, I would feel far more comfortable with tightening up some of those areas which make me feel uncomfortable.

P.O. TONNA:
Thank you very much. Legislator Alden.

LEG. ALDEN:
I have a couple of questions for Legislative Counsel, Paul Sabatino. Right now, a purchase by Suffolk County is dictated by New York State

Law, any action administrative action to go and purchase that. Does this actually create a situation where it's less restrictive than New York State Law or like a softening of New York State Law creating a bypass of New York State Law?

MR. SABATINO:

It will be different. A lot of questions were asked before, some of them were directed at me, and I kind of waited for the response. The -- it's a constitutional standard. The constitutional standard is that you can't make a gift of property. What the courts have said is that means you can't pay more than fair market value. Fair market value is defined as what a willing seller and a willing purchaser in an arm's length transaction are willing to consummate a deal at. Therefore, if the County enters into an agreement with a seller, by definition, their negotiated price can't be the defined fair market value, because that's just a price that they've struck, but you need to be able to support and explain why you paid the price that you did.

So what's happened historically is we've used the process of, you hire an independent appraiser, and the County for about 30 years has had a subsidiary or secondary role, which is that there's been an appraisal review process. So that at the end of that process, there was some approved appraised value that formed the basis for the County to enter into that transaction with the perspective seller, and even that process, as we've subsequently learned may be subject to manipulation. But at least at the end of the day you can point to something from an independent objective standpoint that establishes why you agreed to a purchase price with a willing seller. That's the standard.

People along the way said that there was a 10% rule which meant that you could take that standard and go beyond the 10%, as Legislator Lindsay stated before, when I testified before the committee, I made it clear there is no such rule. It's not constitutional, it's not statutory, there's an allegation now that it's administrative, but whatever the characterization, there is no 10% rule. What you would do in a normal situation is you would try to get the appraisers to reconcile the numbers. For example, somebody on the other side may have a higher appraisal, you would go back to your appraisal and your

review appraiser, and you would say, look, is there an arithmetical error, is there a legal theory you didn't see, did you miss comparable sales, and you try to work out a number so that at least you as the seller, whether it's the Director of Real Estate or the Director of Planning can point to something and say that formed the basis for us entering an agreement.

What this legislation proposes to do is to go beyond that, and what it suggests is that you take whatever that appraised value is that you finally agree upon internally and then have the Legislature make this

determination to go beyond that. Keep in mind that that -- at the committee, the rationale for that was expressed as being something to the effect that it's an elected officials prerogative. Now, if you take that position there's sort of a dichotomy here though because it's going to be Legislators who are going to be doing that, not the County Executive and the Legislature or the Legislature overriding the County Executive. It's going to be just the elected Suffolk County Legislators. What I had said at the committee is that if you are going to go down that path and down the road, which is a new path and new road, you're going to have to come up with something that's more objective than I'm a County Legislator, and I want to set the value at some dollar figure. You're going to have -- you're going to have to provide some extraordinary documentation and support as part of that procedural motion process to explain and justify how you got to that figure, because that's the defense against someone who challenges you later on and says, how did you strike that value. So if you want to open up this new path, I would just urge extreme caution, good judgment, prudence. You're going to have to be extremely careful in how you arrive at those determinations and rationale for going above the appraised value, because that's different than what the current standard is.

P.O. TONNA:
Legislator Alden.

LEG. ALDEN:
I think you agree with my reading of New York State Law and also with this proposal, because what's it's going to do is now it's going to codify a situation where we as Legislators are going to be constantly be making a gift of public property to sellers of different pieces of parcels to the County, because no one's going to -- actually, no one's going to settle for us for an appraised value. They know that we already can come back to the Legislature and get more. So everyone's going to go that route, and it would behoove them if they want to make every dollar that they can out of the property to go that route. And then I do believe, and I'm in agreement with you, that anything over an appraised value, and I'm not talking about in between two appraisals, I'm saying when you exceed the highest appraised value, you're making a gift of public property, and that's illegal. Thanks, Paul.

P.O. TONNA:
Roll call. No. Do we have a motion to table.

MR. BARTON:
Yes, you do.

P.O. TONNA:
There's a motion and a second to table. Roll call.

(ROLL WAS CALLED BY MR. BARTON)

LEG. CARACAPPA:

Yes.

LEG. BISHOP:

What is this on?

MR. BARTON:

Motion to table.

LEG. HALEY:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Table.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes, to table.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

To table? No, to table.

LEG. FISHER:

(Not present).

LEG. TOWLE:

Yes, to table.

LEG. GULDI:

Yes, to table.

98

LEG. CARACCIOLO:

No, to table.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes, to table.

LEG. CRECCA:

Yes.

LEG. FISHER:

(Not present).

LEG. FOLEY:

You had me as a no to table, correct?

MR. BARTON:

Yes, I do.

MR. BARTON:

12-5, one not present. (Not Present: Leg. Fisher)

LEG. BISHOP:

Mr. Chairman. Mr. Chairman. If I could be recognized for a minute.

P.O. TONNA:

Yeah.

LEG. BISHOP:

I just want to know where we're at now.

P.O. TONNA:

Well, I think where we're at is generally speaking, and you I don't want to --

LEG. BISHOP:

Because -- because the Environment Committee spent --

P.O. TONNA:

And you guys did a great job.

LEG. BISHOP:

Until eight o'clock every night that we had a meeting on this going over this. If your rejecting it, reject it. What are you gaining by tabling it?

LEG. CRECCA:

Will you defer to me? Will you defer to me, Legislator Bishop?

LEG. BISHOP:

If there's no specific --

99

P.O. TONNA:

Dave. Dave, the bill is over. I would just say generally speaking, from my standpoint, there is nobody who has doubted the hard work --

LEG. BISHOP:

No, I don't want to hear that.

P.O. TONNA:

-- the great intention. It's not bologna.

LEG. BISHOP:

I just want to know where are we going to go from here.

P.O. TONNA:

Right, so you take out that provision, and I might be on board.

LEG. BISHOP:

What provision?

P.O. TONNA:

The provision that basically allows the Legislature -- gives the discretion of the Legislature to pay anything that you could get a majority of votes for a piece of property based on the criteria you set. Once you get that out, I feel -- I feel much better.

LEG. BISHOP:

Now is that what everybody is saying?

P.O. TONNA:

Well, that was 90% of the people who said they had a question about it. That was the only issue.

LEG. BISHOP:

Four people say it.

LEG. CRECCA:

Would you yield to me, Mr. Chairman?

P.O. TONNA:

Yeah, I mean I don't have to have the record -- I mean the motion. Yeah, sure.

LEG. CRECCA:

I just want to say I would ask everyone to take a look at the bill between now and the next week or two, and please send your comments to Chairman Bishop or one of the committee members so we can at least address it at the next committee meeting so we don't have new arguments coming up so we can at least address them and get the input. That's all I ask.

P.O. TONNA:

Legislator Bishop. Legislator Bishop. I've expressed this to you. This is not the first you've heard of me express this, right, on this one issue?

100

LEG. BISHOP:

Yes, absolutely.

LEG. FOLEY:

Mr. Chairman.

P.O. TONNA:

Okay. Wait. This is why we shouldn't be doing this.

LEG. POSTAL:

I'll make it real fast.

P.O. TONNA:

I've got WWF Wrestlers visit, Dave Bishop. I've got him in a bear hug. Let's leave it at that.

LEG. POSTAL:

I'm not a member of the committee, so this is the first opportunity I've had to express my concerns about that, and you know, frankly, I think that's why the Legislature discusses and debates issues, because -- are you listening? You wanted to know.

LEG. BISHOP:

I'm being spoken to.

LEG. FOLEY:

I'm sorry, Maxine.

LEG. POSTAL:

I know, but you asked specifically about my concerns being heard first at this meeting. So I'm responding to you, I'd like you to listen. You know, I said that I was not a member of the committee, and not only was this the first opportunity that I had to express my concerns, but I think that one of the values of Legislative debate is the give

and take, and listening to points that are made by some of my colleagues, because I don't think any -- I would hope that none ever us comes in here with our minds so made up that we cannot be persuaded by a really persuasive point of view, and that it's useless for us to try to express ourselves on anything. So, you know, frankly, I was very impressed by what Legislator Lindsay had to say. So that, you know, a very -- very simply, that one provision in my opinion needs to be either removed or tightened up very dramatically so that it's very clear what the limits are.

P.O. TONNA:

Okay. Let's go back -- no. No. No more. Talk about it -- there's no bill in front of us to discuss.

LEG. BISHOP:

Motion to adjourn.

LEG. FOLEY:

How about a recess?

101

P.O. TONNA:

All right. Make a motion to recess. Second. Roll call.

LEG. FOLEY:

Ten minutes. No, you've always honored a recess --

P.O. TONNA:

No, I have not always honored a recess, I want to continue going on.

LEG. FOLEY:

When a minority leader's asked for a recessed, in times past we've always honored a recess motion by either -- by leadership of either --

P.O. TONNA:

Are you asking as minority leader to recess for what reason?

LEG. BISHOP:

For five minutes. Did you state your reason last time when you got up and you --

P.O. TONNA:

I will give you the minority leader, and thank you very much, Legislator Foley for reminding me of this precedent that I've set. I don't remember this precedent, but if the minority leader wants five minutes recess, you've got it. Five minutes. Five minutes. Only when I say five minutes does it mean 15. Five. No, five.

LEG. ALDEN:

Marty, I thought I was the minority leader.

(A RECESS WAS TAKEN FROM 10:03 P.M. UNTIL 10:23 P.M.)

(SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY)

P.O. TONNA:

Roll call.

(ROLL WAS CALLED BY MR. BARTON)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not present).

LEG. TOWLE:

Here.

LEG. CARACAPPA:

Here.

LEG. FISHER:

Here.

102

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Henry, right here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

(Not present).

LEG. NOWICK:

Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Here.

LEG. COOPER:
Here.

LEG. POSTAL:
Here.

LEG. TONNA:
Here.

MR. BARTON:
Sixteen present.

P.O. TONNA:
Okay. I recognize Brian Foley. I'd have to say on the record, the democratic caucus has been ten times better than the republican caucus with regard to stating a time for its adjournment, and actually coming through. They're only 20 minutes late, we're usually an hour late. So I would have to say that speaks well to the minority leader for the, you know.

LEG. FOLEY:
Mr. Chairman, I think in order to make a discharging motion, we need to have the resolution distributed to the committee, boat -- both --

P.O. TONNA:
Yeah, it has to age for an hour.

103

LEG. FOLEY:
-- of both bills, and I don't know whether either bill has copies made and distributed to -- to the horseshoe.

LEG. TONNA:
Well, you can make it and then it ages for an hour.

LEG. FOLEY:
I'd like to make a motion to discharging 1426 is the resolution.

LEG. TONNA:
Okay. 1426.

LEG. FOLEY:

Is it 26?

P.O. TONNA:
What page is that?

LEG. LINDSAY:
It's not on the agenda.

LEG. TONNA:
Okay. 1426.

LEG. FOLEY:
I believe it's 1426. 1416. It's 1416. Just give me a moment.

P.O. TONNA:
Okay. We'd ask the Clerk's Office --

LEG. FOLEY:
The resolution for Mr. Tripp.

P.O. TONNA:
Which number is that?

MR. BARTON:
1416 is Tripp.

P.O. TONNA:
What is Tripp?

MR. BARTON:
1416.

P.O. TONNA:
Wait a second.

LEG. FOLEY:
1416, Mr. Chairman.

LEG. CRECCA:
Mr. Chairman, it's 10:30. We haven't started the agenda.

104

P.O. TONNA:
Just wait one second, please. There's a motion to discharge
Resolution Number --

LEG. FOLEY:
1416.

P.O. TONNA:
1416 and a second by?

LEG. POSTAL:
Second.

P.O. TONNA:
By Legislator Postal.

LEG. ALDEN:
What is it?

LEG. TOWLE:
On the motion.

P.O. TONNA:
This is just to discharge.

LEG. TOWLE:
On the motion.

P.O. TONNA:
Okay. This is nomination for Jim Tripp to the Water Authority. Okay.
On the motion, Legislator Towle.

LEG. TOWLE:
It's motion to discharge and let age for an hour.

P.O. TONNA:
Yes.

LEG. TOWLE:
Question of Counsel. Can we waive the requirement for the aging of
the hour.

MR. SABATINO:
After you discharge it.

P.O. TONNA:
Right. Let it wait for an hour.

MR. SABATINO:
What you do is you motion to discharge, if it's discharged, then at
that point, there's an one hour rule. At that juncture, you can make
a motion to waive the one hour.

P.O. TONNA:
Okay. All right. There is a motion and a second. All in favor?

Opposed to discharge?

LEG. TOWLE:
Opposed.

LEG. LINDSAY:
Opposed.

P.O. TONNA:
Legislator Towle is opposed to discharge and Legislator Lindsay.
Thank you. That will age for an hour.

MR. BARTON:
Sixteen.

P.O. TONNA:
Thank you. I would like to make a motion to discharge resolution, I
think, Number 1496. That's the appointment of George Proios.
Seconded by Legislator Towle. All in favor? Opposed?

LEG. LINDSAY:
Opposed.

P.O. TONNA:
Opposed, Legislator Lindsay and Legislator Guldi and Legislator Fisher
and Legislator Postal. Okay.

MR. BARTON:
Fourteen.

P.O. TONNA:
Thank you very much. Now let's get to the agenda. I would ask the
Clerk's Office to distribute both those bills. Okay. We did the roll
call. All right. We're now on Page 5. Okay. Let's move along. We
did the consent calendar. Thank you. Okay. Tabled Resolutions,
Number 1957. Motion by Legislator Bishop. What would you like to do
with this, Legislator Bishop?

1957. Dedicating certain lands now owned by the County of Suffolk to
the County Nature Preserve pursuant to Article I of the Suffolk County
Charter and Section 406 of the New York Real Property Tax Law at
Bergen Point. (West Babylon). (BISHOP)

LEG. CARACAPPA:
Table it.

LEG. BISHOP:
Table.

P.O. TONNA:
Table, seconded by myself. All in favor? Opposed? TABLED.

MR. BARTON:
Eighteen.

106

2019. Approving an amendment to the existing connection contract between Suffolk County Sewer District No. 3 - Southwest and 110 Sand and Gravel Clean Fill Disposal Site. (County Exec.)

P.O. TONNA:
2019. Motion to table by Legislator Postal, seconded by Legislator Alden. All in favor? Opposed? TABLED.

LEG. CRECCA:
Opposed.

LEG. BINDER:
Opposed.

P.O. TONNA:
Okay. Opposed, Legislator Crecca.

MR. BARTON:
16-2.

1000. Imposing reverter clause on non-Brookhaven Town PILOT payments pending appeal of Gowan decision. (HALEY)

P.O. TONNA:
Okay. Resolution 1000. Legislator Haley, motion to approve, seconded by Legislator Crecca.

LEG. ALDEN:
Motion to table.

P.O. TONNA:
Motion to table by Legislator Alden, seconded by myself. All in favor? Opposed? Opposed, Legislator Binder, Crecca, Towle, Caracappa, Haley. Now, there's some deja vu. Okay.

MR. BARTON:
Tabled. Thirteen.

1012. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Sandra Tedesco. (TOWLE)

P.O. TONNA:
1012. Motion by Legislator Towle, what do you want to do on this?

LEG. TOWLE:

Motion to approve. I just want to verify that the corrected copy is in the file.

MR. SABATINO:

The corrected copy was filed.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? APPROVED.

107

MR. BARTON:

Eighteen.

1120. Approving the appointment of Barbara L. Townsend as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board. (County Exec.)

P.O. TONNA:

1120, motion by? Is that ready?

MR. SABATINO:

Mr. Chair, you have -- the next batch has to be tabled one more cycle. The resolution is being laid on the table tonight to set up the mechanism.

P.O. TONNA:

Okay. So I am going to make a motion to table and seconded by Legislator Postal on 1012. All in favor? Opposed? 1120, I'm sorry.

P.O. TONNA:

No. I can't, I have to do the same motion, same second, same vote.

LEG. BISHOP:

Mr. Chairman. Mr. Chairman.

P.O. TONNA:

I can't do that as one group, right?

MR. SABATINO:

Just say same motion, same second.

LEG. BISHOP:

Mr. Chairman, can I be recognized for just one --

P.O. TONNA:

On this one, 1120?

LEG. BISHOP:

That's -- that's going to committee for one cycle?

LEG. CARPENTER:

No.

P.O. TONNA:

No.

LEG. BISHOP:

Okay. I don't know if anything can be done about this, but it was pointed out to me by my -- my aide, Tim Motz, that this has to be the most absurd title for a committee. I mean, look at the length of the title; the Suffolk County Community Mental Health, Mental Retardation, Developmental Disabilities and Alcohol Substance Abuse Planning and Advisory Board. Do we -- can we not find a way to simplify that into something --

108

P.O. TONNA:

Okay. Why, you don't think the SCCMHRDDASAPAB is not good enough?

LEG. TOWLE:

Isn't that the committee you set up to investigate the Water Authority?

P.O. TONNA:

There is a motion to table. Let's move on with the agenda.

LEG. BISHOP:

Maybe the sponsors can find something else to call it.

P.O. TONNA:

Great. Okay. There is a motion to table 1120 by myself, seconded by Legislator Postal. All in favor? Opposed? TABLED.

MR. BARTON:

Eighteen.

(SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY)

P.O. TONNA:

1121 - Approving the appointment of Jacqueline Vidal as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:

Eighteen.

P.O. TONNA:

1122 - Approving the appointment of Doris S. Wagner as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen, it's tabled.

P.O. TONNA:
1123 - Approving the appointment of Kathleen A. Herz as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
1124 - Approving the appointment of Kathleen A. Riddle as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning &

109

Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
1126 - Approving the appointment of Marcia Miskell as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
1127 - Approving the appointment of Alice R. Mills as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:

1128 - Approving the appointment of Harold B. Luke as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:

Eighteen.

P.O. TONNA:

1129 - Approving the appointment of Kathleen O. Maul as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:

Eighteen.

P.O. TONNA:

1130 - Approving the appointment of John C. Haley as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:

Eighteen.

110

P.O. TONNA:

1132 - Approving the appointment of Miriam Garcia as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:

Eighteen.

P.O. TONNA:

1133 - Approving the appointment of Elaine Economopoulos as a member of the Suffolk County Community Mental Health, Mental Retardation & Developmental Disabilities & Alcohol & Substance Abuse Planning & Advisory Board (County Executive). Same motion, same second, same vote. TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
11 -- I mean, 1275 - To implement Town of Babylon Affording Housing Plan (Postal). Motion to table by Legislator Postal, second by myself. All in favor? Opposed? Tabled.

MR. BARTON:
Eighteen.

P.O. TONNA:
1299 - Authorizing the County to enter into an extension of intermunicipal agreement with the Village of Amityville for the provision of bay constables (Bishop).

LEG. BISHOP:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Bishop, seconded by Legislator Postal.

LEG. CARACCIOLO:
Roll call.

P.O. TONNA:
All in favor? Opposed? Roll call.

(*Roll Called by Mr. Barton*)

LEG. BISHOP:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

111

LEG. BINDER:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes, I'm sorry.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

P.O. TONNA:
Yes.

LEG. CRECCA:
Abstain.

P.O. TONNA:
Okay.

MR. BARTON:
15-1, two abstentions. (Abstention: Legislators Alden & Crecca).
APPROVED

P.O. TONNA:
Procedural Motion No. 3 - To retain independent appraisal review
services for County land transactions (Bishop). Motion by Legislator
Bishop, second --

LEG. BISHOP:
Motion to table.

LEG. BINDER:
Second.

P.O. TONNA:
Table?

LEG. BISHOP:
This should be done simultaneously when we get the reform.

P.O. TONNA:
Okay, seconded by Legislator Guldi. All in favor? Opposed? TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
To the agenda.

HUMAN RESOURCES:

1316A, 1316 - Amending the 2002 Capital Program and Budget and appropriating funds for improvements to the William H. Rogers Building (CP 1688) (Presiding Officer Tonna). Motion by Legislator Towle, seconded by Legislator Cooper. Roll call.

(*Roll Called by Mr. Barton*)

LEG. TOWLE:
Yes.

LEG. COOPER:
Pass.

LEG. BINDER:
Thank you, no.

LEG. BISHOP:
No.

LEG. NOWICK:
Pass.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Pass.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. POSTAL:
Yes.

P.O. TONNA:
Yes. All right.

LEG. COOPER:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

MR. BARTON:

16-2 on the bond.

P.O. TONNA:

Okay, great. 1316, same motion, same second, same vote. APPROVED

1481 - Amending the Suffolk County Classification & Salary Plan in connection with a new position title in the Department of Civil

114

Service/Human Resources (Employee Medical Health Plan Coordinator) (County Executive). Motion by Legislator Towle, seconded by Legislator Caracappa. All in favor?

LEG. CARACCIOLO:

Explanation.

P.O. TONNA:

Oh, explanation. Paul, 1481.

MR. SABATINO:

This is going to create a position for that Joint Management Labor Committee that deals with health benefits. And it's going to be filled by somebody who is currently working at the community college and it's going to be paid for by abolishing a position to a Grade 37 position to have this person available to help coordinate or work on the coordination of health benefits that are provided to County employees.

LEG. CARPENTER:

Motion.

P.O. TONNA:

No, there's already a motion and a second. Legislator Caracciolo, you still have the floor.

LEG. CARACCIOLO:

Grade 37 or Grade 26, okay.

P.O. TONNA:

There's a motion and a second. All in favor? Opposed? APPROVED

MR. BARTON:

Eighteen (CHECK VOTE).

P.O. TONNA:

ECONOMIC DEVELOPMENT & ENERGY:

Okay, No. 1290 - To study use of environmentally sensitive fuel for County fleet (Postal). Motion by Legislator Postal to table, seconded by myself. All in favor? Opposed? TABLED

MR. BARTON:
Eighteen.

P.O. TONNA:
WAYS & MEANS:

1043 - Sale of County-owned real estate pursuant to Local Law 13-1976
Thomas M. Hudgins and Susan E. Hudgins (1000-128.00-02.00-023.000)
(County Executive). Motion by who -- motion by myself -- Legislator
Guldi, seconded by -- who is the Vice-Chair of Ways and Means?

LEG. TOWLE:
Second.

115

P.O. TONNA:
Okay, second by Legislator Towle. All in favor? Opposed? Approved.

MR. BARTON:
Eighteen.

P.O. TONNA:
1343 - Authorizing the extension of a lease of premises located on
Straight Path and Wyandanch Avenue, Wyandanch, New York, for the
Department of Social Services (County Executive). Motion by Legislator
Guldi, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1392 - Initiating process for courtroom expansion at Cohalan Court
Complex in Central Islip (Bishop). Motion by Legislator Binder.
Sorry, Binder, I forgot, I didn't even know I gave you a vice-chair.

LEG. CARPENTER:
Explanation.

P.O. TONNA:
Okay, 1392, there is a motion by Legislator Bishop, seconded by
myself. Explanation; Legal Counsel, explanation.

MR. SABATINO:
1392 arises out of a report that the Legislature authorized in 1998 in
the Capital Budget, it was called the Melito Report, it dealt with
courtroom expansion in Suffolk County. And the original report that
was issued in 1999 made a recommendation that 18 additional courtrooms
would be required by the County, ten at Cohalan Court Complex in Islip

and eight in Riverhead. As part of that recommendation, the outside consultant suggested that a Touro Law School proposal to lease between two or four courtrooms at the Cohalan Court Complex would be a potential option. This legislation is asking the Space Management Committee to evaluate that, see if it makes sense, report back to the Executive and the Legislature within 90 days.

P.O. TONNA:

Okay, great. There's a motion and a second. All in favor? Oh, you on the motion? No, okay. Motion, second. All in favor? Opposed?

MR. BARTON:

Eighteen.

P.O. TONNA:

Great. 1424 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Southold, SCTM No. 1000-135.00-03.00-010.000, pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Motion by Legislator -- Southold, Caracciolo. Seconded by Legislator Guldi. All in favor? Opposed?

116

LEG. CARACCIOLO:

I am not on the committee, what is this about?

P.O. TONNA:

It's out of the Town of Southold, so I thought that that would be something that you would --

LEG. CARACCIOLO:

Nobody spoke to me about it. What is it about?

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi. I'm sure, Legislator Caracciolo, you had the bill, I mean, you have it on the agenda.

LEG. CARACCIOLO:

It's on the agenda but I am not on the committee, I don't know what the Certificates of Abandonments were.

MR. SABATINO:

The property is located on County Road 48 and the former property

owner is somebody named Madeline Armstrong and the allegation is that she did not receive prior notice on a tax delinquency and the County therefore took title by tax deed which it shouldn't have taken, this will give her back the property.

LEG. CARACCIOLO:

They did take the property?

MR. SABATINO:

This one there was backup, the other ones in the committee that don't have back up have been rejected, or that don't have adequate or accurate backup.

P.O. TONNA:

Do you sponsor this now?

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Okay. There's a motion by Legislator Caracciolo, put back the first sheet that you had. Seconded by Legislator Guldi. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

Okay. 1440 - Sale of County-owned real estate pursuant to Local Law 13-1976 Miloslav Machac and Miloslava Ann Mervart as Trustees under

117

the Miloslav Machac Living Trust (0500-171.00-01.00-069.000). Motion by Legislator Guldi, seconded by Legislator Towle. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1441 - Sale of County-owned real estate pursuant to Local Law 13-1976 Robert M. Takats and Marie Takats (0200-975.08-04.00-048.000). Motion by Legislator Guldi, seconded by Legislator Towle. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1442 - Sale of County-owned real estate pursuant to Local Law 13-1976

Chip Zoegall and Lori Zoegall (0800-087.00-05.00-008.001). Motion by Legislator Guldi, second by Legislator Binder, Vice-Chair. All in favor? Opposed? Approved.

MR. BARTON:
Eighteen.

P.O. TONNA:
1458 - Approving maps, authorizing the acquisition of lands together pursuant to Section 206 of the Eminent Domain Procedure Law and license pursuant thereto in connection with the acquisition of properties for drainage improvements on CR 76, Town Line Road, Town of Smithtown, Suffolk County, New York (CP 5039) (County Executive). Motion by Legislator Nowick, seconded by Legislator -- Oh, Crecca, seconded by Legislator Nowick. All in favor? Opposed? Approved.

MR. BARTON:
Eighteen.

P.O. TONNA:
1471 - Authorizing the County Executive to enter into a cooperation agreement with the Town of Huntington for funding under the Home Investment Partnership program pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 (County Executive). Motion by Legislator Tonna, seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
Eighteen.

P.O. TONNA:
1472 - Approving the promotion of Assistant District Attorney Mary Kate Mullen (County Executive). Motion by --

LEG. GULDI:
Motion.

118

P.O. TONNA:
Motion by Legislator Guldi, seconded by Legislator Haley. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1480 - Authorizing the acquisition of property under Suffolk County Affordable Housing Opportunities Program (Millennium Hills 0400-254.02-01.00-001.000 through 084.000; Town of Huntington) (County Executive). Motion by myself, seconded by Legislator Cooper. All in

favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1482 - Authorizing the extension of a lease of premises located at 375 Commack Road, Deer Park, New York, for the Second District Court (County Executive). Motion by Legislator Binder I think, right? Seconded by myself. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1486 - Approving the appointment of Janine Towle (County Executive). Motion by Legislator Towle -- oh no.

LEG. TOWLE:
No, no, no.

P.O. TONNA:
I'm teasing.

LEG. TOWLE:
I'm going to be abstaining on this one.

P.O. TONNA:
Yes, I thought so.

LEG. TOWLE:
I'm also going to be --

P.O. TONNA:
I just want a little levity for everybody just to watch.

LEG. TOWLE:
Hold on. I also need a place to stay tonight when I abstain on this one.

P.O. TONNA:
Okay. Now, you guys had a big long caucus meeting about this; no, I'm joking.

119

LEG. FOLEY:
We want to review the backup to the resolution.

P.O. TONNA:
Yeah, right. Legislators -- motion by Legislator Carpenter, seconded

by --

LEG. BINDER:

We didn't get an answer how she puts up with --

P.O. TONNA:

Legislator Towle? Something about a millstone around her neck I think was the last comment that I heard. 1486, motion by Legislator Carpenter, seconded by Legislator Postal. All in favor? Opposed? Approved.

LEG. TOWLE:

Put me as an abstention.

MR. BARTON:

17, one abstention (Abstained: Legislator Towle).

P.O. TONNA:

All right, notice the bipartisan support your wife has received.

MR. BARTON:

16 (CHECK VOTE SLIPS)

P.O. TONNA:

Okay, 1489 - Authorizing use of Smith Point County Park property in 2002 by Bay Area Civic Association and William Floyd Summit for a 5 KM race (Towle). Motion by Legislator Towle.

LEG. TOWLE:

That I will vote for.

LEG. CARACAPPA:

Second.

P.O. TONNA:

Seconded by Legislator Caracappa who is now a running specialist.

LEG. CARACAPPA:

Yes.

P.O. TONNA:

All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

Bonding Resolution No. 1494A, 1494 - Amending the 2002 Capital Program and Budget and appropriating planning funds for construction of an aircraft hangar at Francis S. Gabreski Airport (CP 5723.110) (Guldi).

Motion by Legislator Guldi.

LEG. TOWLE:
Second.

P.O. TONNA:
Okay, seconded by Legislator Towle. Roll call.

(*Roll Called by Mr. Barton*)

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yep.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

121

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Thank you very much. Same motion, same second, same vote for 1494.

1495 - Authorizing the lease of premises located at Francis S. Gabreski Airport, Westhampton, New York, for the Police Department Medevac Helicopter (County Executive). Motion by?

LEG. GULDI:

Motion.

P.O. TONNA:

Legislator Guldi. Seconded by?

LEG. CARPENTER:

Second.

P.O. TONNA:

Legislator Towle -- oh no, Legislator Carpenter, sorry. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

FINANCE & FINANCIAL SERVICES:

1280 - Adopting Local Law No. 2002, a Charter Law establishing a Common Sense Capital Project Sunset Policy for Suffolk County (Crecca). Motion by Legislator Crecca, seconded by myself.

LEG. ALDEN:
Explanation.

P.O. TONNA:
Explanation.

LEG. FOLEY:
Explanation, please.

LEG. CRECCA:
Yeah, what happens is when we approve projects, Capital Projects that are the Capital Program, if after five years go by no money has been expended on the project, it requires either the County Executive to

122

come back to us for reauthorization on that project or it automatically sunsets. The idea being is that if a project languishes for five years without moving forward at all, that it shouldn't remain on the books. This has a positive physical effect on our County because what it does is it reduces the amount of potential borrowing that we can do. It was recommended by our Budget Review Office. There's been no opposition as far as I know from the County Executive's Office to this, and it actually helps codify a policy that we started with Legislator Alden a few years back.

LEG. FOLEY:
So in other words, through the Chair --

P.O. TONNA:
Yes. Through the Chair, thank you very much, Legislator Foley.

LEG. FOLEY:
Very good, okay. Legislator Crecca, so in other words, if within that five year period, let's say the planning -- we appropriate monies during the planning phase, then that will give another five years to the project. The project doesn't have to be complete in five years, it just has to start within that time period.

LEG. CRECCA:
Yeah, once there's an appropriation it doesn't fall into -- it's out of the realm, it's good to go that project. The idea being is that if the five years go by and there's no appropriation on it, there's no bond issue or any money spent on the project, it --

LEG. FOLEY:
Sometimes we authorize it but the debt isn't issued, what about in those instances?

LEG. CRECCA:

That's exactly the situation that this is meant to cover, correct?

MR. SABATINO:

Well, actually --

LEG. CARACAPPA:

After it's appropriated?

LEG. FOLEY:

Well, we can appropriate the monies but then the Comptroller may not issue the bonds for a number of years and that's also been an issue; is that not correct?

LEG. CRECCA:

That is the issue.

LEG. FOLEY:

Okay.

LEG. CRECCA:

If I'm wrong, Paul --

123

LEG. FOLEY:

Paul, please?

MR. SABATINO:

Actually it's a little bit tougher. What it says is that if you don't appropriate the money within a five year period it expires, or if you have to extend the program with some reauthorization. But if you appropriate the money and the County Comptroller doesn't do anything, then you would have to take a second act to cancel the appropriation. But that hasn't been the problem, it's not the Comptroller -- it's not addressing the issue of the Comptroller, it's addressing the issue of Capital Projects get out there into the -- you know, they get on to the books because nothing happens because you don't appropriate money. So it's really addressing the more serious issue which is that there's a lot of authorized projects out there but with no appropriations.

LEG. FOLEY:

Okay.

LEG. FISHER:

There is a motion, right?

P.O. TONNA:

Yes, there's a motion and a second. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:
BUDGET:

No. 1241 - Amending the 2002 Operating Budget and restoring 28% of the funding for Cornell Cooperative Extension's Marine Science Program (Caracciolo). Motion by Legislator Caracciolo, seconded by Legislator Foley.

LEG. GULDI:
Henry, cosponsor.

P.O. TONNA:
On this motion, this is allocating \$87,500 from the highway equipment?

LEG. CARACCIOLO:
I specifically --

MS. MAHONEY:
Can you use the microphone, please?

P.O. TONNA:
From the Budget Office?

LEG. CARACCIOLO:
Mr. Chairman, during the committee I specifically made inquiry of the Budget Office and they do not have any problem with the offset.

124

P.O. TONNA:
Okay. Let the record reflect.

LEG. CARACCIOLO:
Let the record reflect.

P.O. TONNA:
Okay. All in favor? Opposed?

LEG. BISHOP:
Which one?

P.O. TONNA:
No. 1241. Roll call. Let's just do a roll call. Okay, this is for Cornell Cooperative Extension.

(*Roll Called by Mr. Barton*)

LEG. CARACCIOLO:
Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes, cosponsor.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes, cosponsor.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes, cosponsor.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes, cosponsor.

LEG. FISHER:

Yes, cosponsor

125

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:
Yeah, why not?

LEG. CRECCA:
Yes.

MR. BARTON:
17-1 (Opposed: Legislator Caracappa).

P.O. TONNA:
Even a blind squirrel needs a nut once in a while. Okay.

LEG. CARACCIOLO:
I will remember that.

P.O. TONNA:
I thought you were listening, I thought you would be the only one to hear it, too. Anyway, here we go. Believe me, Legislator Caracciolo will get me back very quickly.

LEG. CARACCIOLO:
Tough love, tough love.

P.O. TONNA:
Good work. Good work, Michael. 1287 we voted on.

LEG. CARPENTER:
Motion to table.

P.O. TONNA:
Oh, we didn't. Oh, it has bit N next to it, I guess I should vote no on that. Okay. 1287 - Adopting Local Law No. 2002, a Charter Law to reestablish a Suffolk County Department of Real Estate (County Executive). There's a motion by Legislator Postal?

LEG. POSTAL:
No.

P.O. TONNA:
No, by Legislator Carpenter, seconded by Legislator Postal to table. Okay, all in favor? Opposed? TABLED.

126

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay. 1288 - Adopting Local Law No. 2002, a Charter Law to transfer the function of selecting Real Property Appraisers to the Division of

Real Estate in the County Department of Planning (County Executive).
Motion by Legislator --

LEG. CRECCA:
I'll make the motion.

P.O. TONNA:
Motion by Legislator Crecca. To approve?

LEG. BISHOP:
No, motion to table.

LEG. CRECCA:
Yeah, actually we should table because --

P.O. TONNA:
Motion to table, seconded by -- okay. Motion to table by Legislator
Bishop, seconded by Legislator Crecca. All in favor? Opposed?
TABLED.

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay, 1388 has already been tabled.

1396 - Authorizing planning steps for the acquisition of land under
pay-as-you-go 1/4% Taxpayer Protection Program (Riverside Drive Site,
Town of Riverhead) (Caracciolo). Motion by Legislator Caracciolo to
approve, seconded by myself. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1401 - Authorizing planning steps for implementing Greenways Program
in connection with acquisition of active parklands at Marion Carl
School, Commack (Town of Huntington) (Crecca). Motion by Legislator
Crecca, seconded by Legislator Nowick. All in favor? Opposed?
APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1403 - Appointing Eve Kaplan as a member of expanded Suffolk County
Smart Growth Committee (Bishop). Motion by Legislator Bishop, seconded
by --

LEG. BISHOP:

No, Legislator Caracciolo will make the motion.

P.O. TONNA:

Oh, it's his bill? Legislator Caracciolo, 1403, seconded by Legislator Bishop. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1406 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (South Gate Woods - Kasper Property, Town of Smithtown) (Crecca). Motion by Legislator Crecca, seconded by myself. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1407 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Southgate Woods - Tosino Property, Town of Smithtown) (Crecca). Motion by Legislator Nowick -- Crecca, seconded by Legislator Nowick. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1408 - To add new study stream to Phase II Storm Water Remediation Program for South Shore Tributaries (Alden). Motion by Legislator Alden, seconded by Legislator Foley. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1410 - Reappointing Lloyd W. Corwin as a member of the Suffolk County Soil & Water Conservation District (Fields). Motion by Legislator Fields, seconded by Legislator Foley. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1411 - Reappointing Brian Foley as a member of the Suffolk County Soil & Water Conservation District (Fields). Motion by Legislator Fields, seconded by -- ah, myself. Seconded by Jim Tripp; no, I'm joking. All right, all in favor? Opposed?

LEG. TOWLE:

Hold it, do we have a resume on this one?

128

P.O. TONNA:

Yeah, right. APPROVED.

MR. BARTON:

Eighteen. (See Change in Vote Below)

P.O. TONNA:

1420 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land known as Bluepoints Company Property - Uplands, Town of Islip) (Fields).

LEG. FOLEY:

Mr. Chairman, do I have to abstain on that, through Counsel?

P.O. TONNA:

We did that already.

LEG. FOLEY:

I know, but do I have to -- Counsel, do I have to abstain on being appointed?

MR. SABATINO:

Abstain.

LEG. FOLEY:

Okay.

P.O. TONNA:

All right, just in case. Please let the record reflect that Legislator Foley has abstained on this vote.

MR. BARTON:

*NEW VOTE ON 1411 -- 17-0-1-0 (Abstention: Legislator Foley).

P.O. TONNA:

1423 - Appointing member of the Council on Environmental Quality (Adrienne Esposito) (Foley). Motion by Legislator Caracciolo, seconded by Legislator Fisher.

LEG. HALEY:

Motion to table.

P.O. TONNA:

There's a motion to table by Legislator Caracappa, seconded by Legislator Haley. Roll call.

LEG. CRECCA:
Is this on 1423?

P.O. TONNA:
Yeah.

(*Roll Called by Mr. Barton*)

LEG. CARACAPPA:
Yep.

129

LEG. HALEY:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
Pass.

LEG. BISHOP:
Pass, please.

LEG. NOWICK:
Pass.

LEG. BISHOP:
No to table.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
Pass.

LEG. ALDEN:
Punt; same as pass.

LEG. FIELDS:
No to table.

LEG. LINDSAY:
No.

LEG. FOLEY:
No to table.

LEG. FISHER:
No to table.

LEG. TOWLE:
Pass.

LEG. GULDI:
No to table.

LEG. CARACCIOLO:
No.

LEG. POSTAL:
No.

P.O. TONNA:
I'm going to pass, I want to see everything that's going on here.

130

LEG. BINDER:
Yes.

LEG. NOWICK:
No to table.

LEG. CRECCA:
Yes to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes to table.

LEG. TOWLE:
No to table.

P.O. TONNA:
No to table.

MR. BARTON:
Six.

LEG. FOLEY:
Motion to approve.

LEG. CARACCIOLO:
Second.

P.O. TONNA:

Okay. Motion to approve, second. All in favor? Opposed? Opposed,
Legislator Caracappa and Haley and Alden.

MR. BARTON:
15-3 (Opposed: Legislators Caracappa, Haley & Alden).

P.O. TONNA:
1452 - Making a SEQRA determination in connection with the proposed
addition to Sixth District Court, Village of Patchogue, Town of
Brookhaven - CP 1106 (Presiding Officer Tonna). Motion by
Legislator --

LEG. FOLEY:
Motion.

P.O. TONNA:
-- Foley, seconded by Postal. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1453 - Making a SEQRA determination in connection with the proposed
planning and design of improvements to Charles R. Dominy County Park
(West Sayville (Presiding Officer Tonna). Motion by?

131

LEG. FIELDS:
Me.

P.O. TONNA:
Legislator Fields, me. Seconded by Legislator me, Caracciolo. All in
favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay, 1454 - Making a SEQRA determination in connection with the
proposed construction of Stump Pond Boardwalk at Blydenburgh County
Park, Hauppauge, Town of Smithtown (Presiding Officer Tonna). Motion
by Legislator Crecca, seconded by Legislator Nowick. All in favor?
Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1455 - Making a SEQRA determination in connection with the proposed
residential Juvenile Detention Center, Yaphank, New York, Town of

Brookhaven - CP 3012 (Presiding Officer Tonna). Motion by -- oh, same motion, same second, same vote; how about we just do that?

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay. How about 1456 - Making a SEQRA determination in connection with the proposed temporary building Vanderbilt Museum (Presiding Officer Tonna). Same motion, same second, same vote.

MR. BARTON:
Eighteen.

P.O. TONNA:
How about 1475?

MR. BARTON:
Seventy-six.

P.O. TONNA:
1476 - Accepting and appropriating additional 49.5% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality, for The National Estuary Program (County Executive).

LEG. FIELDS:
Motion.

P.O. TONNA:
Motion by Legislator Fields, seconded by Legislator Foley. All in favor? Opposed? APPROVED.

132

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay. 1484 - Authorizing the County Comptroller and the County Treasurer to transfer funds in accordance with the reestablishing of the Suffolk County Department of Real Estate (County Executive).

LEG. FIELDS:
Motion to table.

LEG. ALDEN:
Motion to table.

P.O. TONNA:
Motion to table by Legislator Fields, seconded by Legislator Alden.

All in favor? Opposed? TABLED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1490, 1490A - Approving acquisition under Suffolk County Multifaceted Land Preservation Program for State II Active parklands (Property of Grace Presbyterian Church)Town of Brookhaven (Caracappa).

LEG. CARACAPPA:
Motion to table.

P.O. TONNA:
Motion to table by Legislator Caracappa, seconded by myself. Can I just -- I just tabled it, but why?

MR. SABATINO:
A corrected copy.

P.O. TONNA:
Corrected copy; fine, good enough for me.

LEG. CARACAPPA:
Corrected copy and a SEQRA review.

P.O. TONNA:
All in favor? Opposed? TABLED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1490, same, right; same motion, same second, same vote? It doesn't really matter, right.

PUBLIC SAFETY & PUBLIC INFORMATION:

1474 - Accepting and appropriating a grant in the amount of \$140,000

133

from the State of New York Governor's Traffic Safety Committee to fund Special patrols Targeting DWI Enforcement and DWI Scofflaws with 91.72% support (County Executive). Motion by Legislator Carpenter, second by Crecca. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:

1479 - Approving the appointment of Janet M. Cassidy to Detective in the Suffolk County Police Department (County Executive). Motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
1485 - Amending the 2002 Mandated Operating Budget in connection with two new positions in the Sheriff's Department (Jail Cook) (County Executive). Motion by Legislator Carpenter, seconded by Legislator Postal. All in favor? Opposed? APPROVED.

MR. BARTON:
Eighteen.

P.O. TONNA:
PUBLIC WORKS & TRANSPORTATION:

1248 - Approving extension of license for Sayville Ferry Service, Inc., for cross bay service between Sayville, New York and the Fire

Island Communities of Fire Island Pines, Cherry Grove and Water Island (Presiding Officer Tonna).

LEG. CARPENTER:
Motion.

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Foley, seconded by Legislator Fields. All in favor? Opposed? APPROVED.

LEG. GULDI:
Abstention.

LEG. CARACCIOLO:
Abstention.

MR. BARTON:
16, two abstentions (Abstentions: Legislators Caracciolo & Guldi).

P.O. TONNA:
1323, 1323A - Appropriating construction funds for intersection

CR 51 (CP 3301.345) (Guldi). Legislator Guldi?

LEG. CARPENTER:
Motion.

LEG. FOLEY:
It's got to be tabled.

P.O. TONNA:
Motion to table?

LEG. FOLEY:
There has to be a motion to table.

LEG. GULDI:
Motion to the table for a corrected copy.

P.O. TONNA:
Okay, motion to table, seconded by myself. All in favor? Opposed?
TABLED.

MR. BARTON:
Eighteen, it's tabled.

LEG. GULDI:
Counsel (inaudible).

MS. MAHONEY:
Please use the microphone.

P.O. TONNA:
He said for Counsel to reduce it to a hundred thousand.

LEG. GULDI:
Counsel, it needs to be reduced to \$100,000, please file a corrected copy for the next cycle.

P.O. TONNA:
Do you have to print that twice because he said it twice?

MS. MAHONEY:
Yes.

P.O. TONNA:
All right; it's always a question I wanted to know.

Okay. 1331, 1331A - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the purchase of highway maintenance equipment (CP 5047) (County Executive). Motion by?

LEG. FOLEY:

Motion.

135

P.O. TONNA:
By Legislator Foley. Seconded by?

LEG. POSTAL:
Second.

P.O. TONNA:
Legislator Postal. All in favor? Opposed? Approved. No, no, roll call roll.

LEG. GULDI:
23 needs a roll?

LEG. POSTAL:
No, we tabled it.

LEG. FOLEY:
31 needs a roll call.

P.O. TONNA:
Roll em.

(*Roll Called by Mr. Barton*)

LEG. FOLEY:
Yes.

LEG. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yep.

LEG. CARPENTER:
Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

136

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes

P.O. TONNA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Great. Same motion, same second, same vote for 1323 -- no, sorry.
1331, I apologize.

Okay, 1332, 1332A - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the reconstruction of culverts (CP 5371). Motion by myself, seconded by Legislator Postal. Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Yeah.

LEG. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

137

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:
Thank you.

MR. BARTON:
Eighteen.

P.O. TONNA:
Same motion, same second, same vote on 1332.

1333, 1333A - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Rehabilitation of various County bridges and embankments (CP 5850) (County Executive). Motion by myself, seconded by Legislator Postal. Roll Call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:
Yep.

LEG. POSTAL:
Yes.

138

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yep.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Great. Same motion, same second, same vote.

1339 - Amending the 2002 Adopted Operating Budget and program and

139

appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164) (County Executive). Motion by Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1349 - Authorizing the Department of Public Works to apply for institutional membership in the New York Water Environmental Association (NYWEA) (County Executive). Motion by Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1400 - Extending engineering certificate requirement in connection with County RFP process to land surveyors (Haley). Motion by Legislator Haley, seconded by Legislator Carpenter. All in favor? Opposed? APPROVED.

MR. BARTON:

Eighteen.

P.O. TONNA:

1459, 1459A - Amending the 2002 Capital Budget and Program and appropriating funds in connection with installation of guide rail and safety upgrading at various locations in Suffolk County (CP 5180) (County Executive). Motion by Legislator Caracappa, seconded by Legislator Foley. Roll call.

(*Roll Called by Mr. Barton*)

LEG. CARACAPPA:

Yep.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

140

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

18 on the bond.

P.O. TONNA:

1459, same motion, same second, same vote.

1460, 1460A - Appropriating funds in connection with the reconstruction of CR 2, Straight Path, Town of Babylon (CP 5527) (County Executive). Motion by Legislator Postal, seconded by Legislator Caracappa. Roll call.

(*Roll Called by Mr. Barton*)

LEG. POSTAL:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

141

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yep.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Yep.

MR. BARTON:

Eighteen on the bond.

P.O. TONNA:

Same motion, same second, same vote on 146.

1461, 1461A - Appropriating funds in connection with a corridor study/improvements on CR 7, Wicks Road, Town of Islip (CP 5539) (County Executive).

LEG. CARPENTER:
Motion.

P.O. TONNA:
Motion by Legislator Carpenter, seconded by Legislator Caracappa. Roll
call.

(*Roll Called by Mr. Barton*)

LEG. CARPENTER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Oh, yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yes, cosponsor.

LEG. CARPENTER:
Cosponsor.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

143

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yeah.

MR. BARTON:

Eighteen on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote for 1461.

1464 - Transferring escrow account revenues and transferring assessment stabilization reserve funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and Program and appropriating funds for the improvement and rehabilitation of the existing facilities in Suffolk County Sewer District No. 6 - Kings Park (CP 8144) (County Executive). Motion by?

LEG. CARACAPPA:

Motion to recommit to Public Works, Mr. Chairman.

P.O. TONNA:

Excuse me?

LEG. GULDI:

Second.

LEG. FOLEY:

Second the motion.

LEG. CARACAPPA:

Motion to recommit to Public Works.

P.O. TONNA:

1464?

LEG. CARACAPPA:

Yes.

P.O. TONNA:

Motion by Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed? Recommit to committee.

MR. BARTON:

Eighteen.

LEG. FOLEY:

Joe, why don't you explain.

LEG. CRECCA:

Yeah, why are we --

144

P.O. TONNA:

All right.

LEG. CARACAPPA:

Jimmy, could you back me up on this? After Public Works, Budget Review had a staff meeting and came up with some -- they flagged some things on this bill and I'd like to send it back to committee for further discussion.

P.O. TONNA:

Great, sounds good. Okay. We already voted on it, right?

MR. BARTON:

Yes.

P.O. TONNA:

All in favor? Opposed? Fine.

1483 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Developer of Huntington Town House (County Executive). Motion by myself, seconded by Legislator Binder.

LEG. ALDEN:

On the motion? .

P.O. TONNA:

On the motion.

LEG. ALDEN:

I guess I'm going to have to address this to the chairman of that committee. Is there sufficient capacity? Because according to my calculations, all the excess capacity has been -- actually through an

agreement with New York State has been accounted for, and those were just reassigned or assigned to the developer of the Pilgrim State property. So I don't know if we have any capacity to add anything more to the Southwest Sewer District.

LEG. CARACAPPA:

This question was asked in committee and it was stated by Mr. Wright and the Commissioner that there was sufficient capacity, that all the appropriate charges, hook-ups would be charged to this person and everything seemed to be in place with capacity.

LEG. ALDEN:

Specifically, though, it was asked about the commitment that they made with New York State? Because New York State took a huge amount of capacity for the development of the Pilgrim property, and that was in agreement with Suffolk County.

LEG. CARACAPPA:

Nothing about Pilgrim State came up with 1483. This has to do with the Huntington Town House, a new hotel that they're building adjacent to the Huntington Town House.

145

LEG. ALDEN:

Okay. But when I did the math, I don't think there's any capacity left in the Southwest Sewer District because of that agreement with New York State over the Pilgrim property.

LEG. CARACAPPA:

That was not brought to my attention whatsoever.

P.O. TONNA:

All right. All in favor?

LEG. CARACCILOLO:

Hold it, hold it.

P.O. TONNA:

Opposed? Yeah, there's a motion and a second.

LEG. CARACCILOLO:

Whoa, whoa, whoa, I've got a question.

LEG. COOPER:

Abstain.

P.O. TONNA:

All right, roll call.

LEG. POSTAL:

Mr. Chairman?

LEG. CARACCIOLO:
Question.

LEG. POSTAL:
Mr. Chairman?

P.O. TONNA:
Wait, wait.

LEG. POSTAL:
Before we go to the roll call.

P.O. TONNA:
Okay, there's Legislator Caracciolo, then yourself.

LEG. CARACCIOLO:
Jim, Jim Spero, have you looked at this agreement?

MR. SPERO:
No, I haven't.

LEG. CARACCIOLO:
It's what?

UNKNOWN SPEAKER:
(Inaudible).

146

LEG. CARACCIOLO:
Well, I know it is. I want to know if Budget Review looked at it. Is the Budget Office familiar with this agreement?

P.O. TONNA:
They're the ones who put it in.

LEG. CARACCIOLO:
Who is familiar with the fees that are being collected? I know what the resolution says. My question is for anyone who can answer it, are these fees consistent with County policy, are they more or less?

P.O. TONNA:
Maybe our Legal Counsel can answer that.

LEG. FISHER:
Yes, yes. If I could?

MR. SABATINO:

The fees are the same.

LEG. CARACCIOLO:

The fees are the same.

MR. SABATINO:

The fees are the same, they're pursuant to a statute that we passed about a year-and-a-half ago increasing them to \$15 per --

P.O. TONNA:

Mega sludge ton?

MR. SABATINO:

It's \$15 per gallon and they're also paying the 5% --

LEG. CARACCIOLO:

Administrative fee.

MR. SABATINO:

-- administrative rate which everybody else pays. So that part is uniform.

LEG. CRECCA:

They're also paying a hook-up fee of \$720,000.

LEG. CARACCIOLO:

Okay, but those are consistent with fees that are normally charged for hook-ups.

LEG. CARACAPPA:

Yeah, 700,000 plus hook-up fees.

LEG. CARACCIOLO:

Okay, no discounts.

147

P.O. TONNA:

All right. Legislator Postal.

LEG. POSTAL:

Yeah, I'm --

P.O. TONNA:

I guess you're opposed to this.

LEG. POSTAL:

Well, no, I'm going to abstain on this. I have had events at the Huntington Town House, I will be having an event shortly and I don't know whether I pay a preferential rate or I pay the standard rate.

But at any rate, I'm going to have to abstain because of that.

P.O. TONNA:

You're killing me. I'm just thinking, I've attended some of them, I have comments about the foot. All right, roll call. I am going to have to abstain, too. Roll call.

(*Roll Called by Mr. Barton*)

P.O. TONNA:

Abstain.

LEG. CRECCA:

Is this on 1483?

P.O. TONNA:

Abstain. Thank you, Legislator Postal.

LEG. BINDER:

Yes.

LEG. COOPER:

Abstain.

LEG. BINDER:

Is this really --

LEG. BISHOP:

Yes.

LEG. BINDER:

Mr. Chairman, this is important, I know it's in the middle of a vote.

P.O. TONNA:

Yeah, okay. Let's ask Counsel.

LEG. BINDER:

A point of order I'd like or a parliamentary inquiry, whichever it turns out to be.

P.O. TONNA:

Let me ask you -- yes. What do you think?

148

LEG. BINDER:

Here's the question.

P.O. TONNA:

The point of order is I think -- I'll ask the question, or Legislator Binder can ask the question, go ahead.

LEG. BINDER:

Okay. I had my Bar Mitzvah there. No, but to be more serious, if the Legislators had events there, have had maybe -- have gotten let's say a political contribution or have had personal events there, would that preclude them from voting on a hook-up for the Huntington Town House?

MR. SABATINO:

No, it's not a per se rule. What I had -- Legislator Postal had asked me privately, what I had stated to her was just a concern of the issue about whether she was getting a preferential rate, since she didn't know she erred on the side of caution in terms of her recusal. The only concern you would have is that if they're giving you a preferential rate on the fund-raiser or the personal event that you're holding there at a time when you've got a vote to give them a benefit, that in my judgment would call for a recusal. Her -- I mean, I don't want to speak for her, but her decision was based on she's not certain about that aspect of it.

LEG. BINDER:

Here would be my question there. If you got a preferential rate, wouldn't it be incumbent upon you to take the difference as an in-kind contribution on your financial forms anyway? So in other words, all they would be is a contributor for that amount that they'd be -- that you got the preferential rate for. So if they in a sense gave you a break of a thousand dollars, you have to put them down as an in-kind contribution of a thousand dollars, it's public information, it's stated. And there should be no -- I just can't see a reason particularly to have to abstain.

MR. SABATINO:

The reason I'm erring on the side of caution is because of the circumstances that took place several years ago in the Town of Babylon where it was alleged that individuals with the Castle had received --

LEG. BINDER:

Oh, {Hegar} Castle, right.

MR. SABATINO:

So my advice is to help people keep out of trouble based on things that have happened.

P.O. TONNA:

Okay so there's abstain, abstain --

(*Roll Call Continued by Mr. Barton*)

LEG. FISHER:

Abstain.

P.O. TONNA:

Okay. All right, just wait, let's roll call.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

I have never had an event there.

P.O. TONNA:

No, we want a yes or a no.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Abstain.

LEG. CARACAPPA:

Sure, sure.

LEG. TOWLE:

Yes.

LEG. GULDI:

Abstain.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

We obviously know where all the Democratic events are.

MR. BARTON:
Eleven. APPROVED

150

P.O. TONNA:
Okay, thank you very much.

LEG. CRECCA:
I failed to disclose my brother got married in there in 1984.

MR. BARTON:
Eleven and seven abstentions (Abstentions: Legislators Tonna, Postal, Binder, Cooper, Fisher, Alden & Guldi).

P.O. TONNA:
Did he get a preferential rate looking at you saying, "That man is going to go somewhere."

LEG. CRECCA:
On Superbowl Sunday no less, there was no one else in the place.

(RETURN OF STENOGRAPHER - LUCIA BRAATEN)

1465. Accepting and appropriating 75% reimbursable carryover funds for the Title III-E New York Elder Caregiver Support Program. (COUNTY EXEC.)

P.O. TONNA:
All right. Here we go. Vets and seniors, 1465. Motion by Legislator Lindsay, seconded by Legislator Nowick. All in favor? Opposed? Approved.

MR. BARTON:
Eighteen.

1487. Approving the reappointment of Russell J. Calemme, as member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

P.O. TONNA:
Consumer Protection, 1487. Motion by Legislator Alden, seconded by Legislator Lindsay. All in favor? Opposed?

MR. BARTON:
18.

1242A. Pending Bond Resolution.

1242. Amending the 2002 Capital Program and Budget and appropriating construction funds for renovations to the former Smith Point Bridge

toll booth building. (TOWLE)

P.O. TONNA:

Okay. Parks, Sports and Cultural Affairs, 1242. Motion by Legislator Towle, seconded by Legislator Fields. All in favor? Oh, no, roll call.

(ROLL CALLED BY MR. BARTON)

LEG. TOWLE:

Yes.

151

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Is it me again? Yes.

LEG. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

Eighteen on the bond.

152

P.O. TONNA:

Thank you. Same motion, same second, same vote. All right.

1398. Authorizing Cultural Affairs agreement funding for 2002.
(FIELDS)

P.O. TONNA:

Now we are on 1398. Motion by Legislator Fields, seconded by --

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Legislator Fisher.

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

On the motion.

LEG. CARACCIOLO:

The resolution and the backup, Ginny, could you just explain these recommendations came from -- was it the Legislative Committee or the Cultural Affairs Advisory Committee?

LEG. FIELDS:

Right, Cultural Affairs Advisory Committee.

LEG. CARACCIOLO:

Okay. I don't know if every Legislator's had an opportunity to look

at the attached --

LEG. FIELDS:

Well, you should have gotten it last --

LEG. CARACCIOLO:

I did. I'm satisfied with the groups in my district that are receiving funding, basically funding they've received in the past, I just didn't know if everyone's aware of the fact that --

LEG. FIELDS:

They all got a backup on it.

LEG. CARACCIOLO:

Okay. Now the funding is tied to the hotel-motel tax.

LEG. FIELDS:

Correct.

LEG. CARACCIOLO:

And are those revenues on the incline or decline? The hotel-motel tax?

LEG. FIELDS:

Jim, do you know the answer to that? You don't know the answer.

153

LEG. CARACCIOLO:

It seems to me that there's less funding this year --

LEG. CARPENTER:

They had \$52,000 less this year.

LEG. CARACCIOLO:

Okay. That's my recollection. I thought it was about 300,000.

LEG. FIELDS:

They got less money this year, correct.

P.O. TONNA:

Yes. Motion and a second. All in favor? Opposed?

MR. BARTON:

18.

1457. Authorizing certain corrections to Adopted Resolution No. 297-1996 and amending the 2002 Capital Budget and Program and appropriating funds in connection with the restoration of the Historic Hay Barn, Yaphank. (COUNTY EXEC)

P.O. TONNA:

Thank you. 1457, motion by Legislator Fields.

LEG. FOLEY:

I'll make the second.

P.O. TONNA:

Motion by Legislator Fields, seconded by Legislator Towle. All in favor? Opposed?

LEG. TOWLE:

Cosponsor.

LEG. FOLEY:

Cosponsor also, please.

MR. BARTON:

18.

1462A. Pending Bond Resolution.

1462. Appropriating funds in connection with improvements at County golf courses - Timber Point. (COUNTY EXEC)

P.O. TONNA:

Bond Resolution Number 1462, motion by Legislator Fields, seconded by Legislator Carpenter. Roll call.

(ROLL CALLED BY MR. BARTON)

154

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

Eighteen on the bond.

155

P.O. TONNA:

Great. Can I do a same motion, same second, same vote on 1462? Okay.

1463A. Pending Bond Resolution.

1463. Appropriating funds in connection with improvements at County golf courses - West Sayville and Indian Island. (COUNTY EXEC)

P.O. TONNA:

1263, motion by Legislator Fields, seconded by Legislator Carpenter.

Roll call.

(ROLL CALLED BY MR. BARTON)

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes, sir.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yep.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yep.

LEG. TOWLE:

Yes.

156

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

Eighteen on the bond.

P.O. TONNA:

By the way, I want to thank Legislators for showing good restraint about laying things on the table. Legislator Alden has finally won the day, not one resolution is being laid on the table tonight. Thank you very much, Legislator Alden, and a late starter. Yeah, I know. Now let's go to the senseless resolutions.

Sense 24-2002. Memorializing resolution requesting the Town of Riverhead to approve Palm Beach Polo Project for Calverton Airport.
(CARACCIOLO)

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Motion.

P.O. TONNA:

Motion, seconded by Legislator -- the Palm Beach Polo Project, it has to be Guldi. All in favor? Opposed?

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Caracciolo's got the motion, seconded by Guldi.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. BINDER:

On the motion. I don't know if this Legislature should be getting involved. I don't know that we know the options. I don't know that we have any information on whether they should be playing polo out in

Calverton or they should have what I understand is hotels and an amusement park, or what the other options are.

LEG. CARACCIOLO:
Race tracks.

LEG. BINDER:
No. There's at least three proposals out there. I don't know that --

P.O. TONNA:
We'll sell it to the Navy.

LEG. BINDER:
-- we've spent any time looking at this; it's impact on the Island in general, on a regional question, the difference between the three. It would seem that there's something best left to the locals to look at. So I'm going to be voting no.

P.O. TONNA:
Okay. Wait. Could I ask you, are you a polo player, do you have to abstain on this? No, I'm joking. Anyway, there's a motion and a second. All in favor? Opposed?

LEG. BINDER:
Opposed.

P.O. TONNA:
Legislator Binder.

MR. BARTON:
Seventeen.

Sense 28-2002. Memorializing resolution requesting State of New York to strengthen procedure for placement of detention and family support centers. (ALDEN)

P.O. TONNA:
Okay. Sense 28, Legislator Alden, seconded by myself.

LEG. CRECCA:
On the motion.

P.O. TONNA:
On the motion.

LEG. CRECCA:
Can I -- I read the legislation. I'm not really too sure of what type

of center we're talking about, because we're talking about a detention and family support center.

P.O. TONNA:
Legislator Alden.

LEG. ALDEN:
New York State give grants to local organizations that house PINS

158

petition children, they also -- and any variety, it could be felony type of activity that these children have been accused of. They don't take into consideration how many other types of facilities, similar facilities, might be in the neighborhood. They also don't take into consideration whether it's appropriate to put some of those detention type of facilities into a local residential community. So what I'm asking here is New York State to take a look and make that part of their requirements.

P.O. TONNA:
Okay. All in favor? Opposed?

LEG. CRECCA:
Opposed.

MR. BARTON:
Seventeen.

SENSE 29-2002. Memorializing resolution requesting New York State Legislature to authorize dedicated park fund for Smart Management of County Parks. (FIELDS)

P.O. TONNA:
Sense 29, motion by Legislator Fields, seconded by Legislator Fisher.

LEG. FIELDS:
Wait. Which one are you doing?

P.O. TONNA:
Sense 29.

LEG. FIELDS:
Yes.

P.O. TONNA:
All in favor? Opposed?

MR. BARTON:
Eighteen.

Sense 30-2002. Memorializing resolution requesting State of New York to authorize Drug and Alcohol Rehabilitation Program through Suffolk County dedicated fund. (FIELDS)

P.O. TONNA:

Sense 30, motion by Legislator Fields --

LEG. FIELDS:

No. Motion to table.

P.O. TONNA:

Motion to table by Fields, seconded by myself. All in favor?

Opposed?

MR. BARTON:

18.

159

SENSE 31-2002. Memorializing resolution requesting State of New York to eliminate the local financial share of program enhancement under Medicaid. (TONNA)

P.O. TONNA:

Okay. Sense 31, motion by myself, seconded by --

LEG. FOLEY:

Second.

P.O. TONNA:

-- Legislator Foley. All in favor? Opposed?

LEG. CRECCA:

Cosponsor, Henry.

P.O. TONNA:

Thank you.

LEG. FOLEY:

Cosponsor, please.

LEG. CRECCA:

Henry, list all 18 of us as cosponsors.

P.O. TONNA:

I knew I'd come up with a senseless resolution that somebody would want to cosponsor.

MR. BARTON:

Eighteen.

SENSE 32-2002. Memorializing resolution requesting State of New York to provide funding for the Citizens Advisory Panel. (CAP) (COOPER)

P.O. TONNA:

Sense 32, motion by Legislator Cooper, seconded by Legislator Foley.
All in favor? Opposed?

MR. BARTON:

Eighteen.

LEG. HALEY:

Opposed.

P.O. TONNA:

Did you ever see that guy Dawson?

LEG. CRECCA:

Opposed.

P.O. TONNA:

What's the name of that game show?

160

LEG. CARACAPPA:

Richard Dawson, Family Feud

P.O. TONNA:

Sense 34.

MR. BARTON:

The vote on 32 is 16.

SENSE 34-2002. Memorializing resolution requesting State of New York to refinance, improve and reform State Superfund Program. (FISHER)

P.O. TONNA:

Motion by Legislator Fisher, seconded by --

LEG. FIELDS:

Fields.

P.O. TONNA:

-- fields. All if favor? Opposed?

MR. BARTON:

18.

HOME RULE MESSAGE 1-2002. Home Rule Message requesting New York State Legislature to require abandonment of subdivision maps prior approval

of new subdivision maps. (FIELDS)

P.O. TONNA:

Home Rule Message Number 1, motion by Legislator Fields, seconded by --

LEG. FISHER:

Second.

P.O. TONNA:

-- Legislator Fisher.

LEG. BINDER:

Explanation.

LEG. HALEY:

On the motion.

P.O. TONNA:

On the motion, Legislator Haley.

LEG. HALEY:

Perhaps the sponsor would like to explain it, but it appears to me to be the purview of the towns, and I don't know why the New York State Legislature would get involved in it.

LEG. FIELDS:

You had backup on it.

161

MR. SABATINO:

I could interject. It's a Senator LaValle initiative which calls for a change in state law, when a subdivision -- when a subdivision has been -- when a subdivision has been filed as a map and then somebody wants to take that subdivision and change it into a different use with a second subdivision. This new change would require that the first subdivision be abandoned as a precondition to getting the second subdivision map approved for a different purpose. Right now you can do it without an abandonment.

LEG. HALEY:

I thought though that there was a requirement if the towns request it.

MR. SABATINO:

It's state law. Right now there's no requirement.

LEG. HALEY:

Okay. All right. I understand.

P.O. TONNA:

Okay. All in favor? Opposed?

MR. BARTON:
Eighteen.

P.O. TONNA:
Okay. Great.

LEG. LINDSAY:
Mr. Chairman

P.O. TONNA:
Wait. Wait. I got -- yes.

LEG. LINDSAY:
I just wanted to make a motion to waive the rules, I laid on the table Home Rule Three today, it's the red light camera. We finally got bills from the Senator -- from the Senate and I'd like to waive the rules.

P.O. TONNA:
Is this a late starter?

LEG. LINDSAY:
Yeah, it's a Home Rule Message.

LEG. CRECCA:
It's a Home Rule Message.

MR. SABATINO:
So it's not a late starter. It's already -- it's in the packet being laid on. What Legislator Lindsay wants to do is waive the rule to adopt it tonight without letting it go through the committee cycle.

P.O. TONNA:
Do we have the bill in front of us?

162

MR. SABATINO:
AnnMarie is making copies right now to hand out.

P.O. TONNA:
Okay. We're going to have to hold off until we have the bill in front of us if you want to vote on it right now. Okay we have a CN. We have a CN that was requested by Legislator Caracappa. 1500, this is designating Goodwill Day in Suffolk County.

LEG. FOLEY:
Second.

P.O. TONNA:

Seconded by Legislator Foley. All in favor? Opposed? Approved.

MR. BARTON:

Eighteen.

P.O. TONNA:

I'm going to make a motion --

IR 1416. Reappointment of James Tripp to Suffolk County Water Authority Board.

LEG. FOLEY:

Mr. Chairman, I'd like make a motion to waive the rules and vote on Resolution 1416.

P.O. TONNA:

Right.

MR. SABATINO:

It's a motion to waive the one hour requirement for the bill that was discharged, 1416.

LEG. FISHER:

Second.

P.O. TONNA:

Right. Seconded by Legislator Fisher.

LEG. FOLEY:

On the motion. On the motion, Mr. Chairman.

P.O. TONNA:

On the motion.

LEG. FOLEY:

Good. Thank you, Mr. Chairman, for the opportunity to speak on the resolution. It was my preference, Mr. Chairman, that both these resolutions would remain in committee so that another cycle could take place in which the hope was that between now and the next committee cycle that people, Legislators, Water Authority officials could get together to try to find, let's say a graceful resolution to some

rather contentious issues. But the fact of the matter is the dynamics that took place today, it appeared that 1496, the competing resolution, was going to be discharged from committee today. With that in mind is the reason why I had made a motion discharge 1416 out

of committee since the competing resolution all indications were that it would be reported out, as we speak, even though my preference and the preference of others was to leave it in committee to try to have let's say the opportunity over the next several weeks to attempt to find a graceful way to resolve some rather contentious issues. But we have it before us. And as I had stated in committee, and I ask the indulgence of the committee members if this sounds repetitious, but there are a number of Legislators here who are not part of that particular committee and the environment.

We have before us what I consider to be one of the most highly credentialed appointments that this Legislature has ever made in the past and could make tonight. When we think of what the primary mission of the Water Authority is, the primary mission is to deliver clear potable drinking water, and with that in mind, when you look at the credentials of this particular person, what he brings to the board and you have a copy of it, each of you in hand, that his singular expertise relates to groundwater protection, relates to watershed land use, safe drinking water regulations and other state and federal laws. These have been matters that have been a focus of his attention over these many years. Because these areas are his areas of expertise, he has brought to the Water Authority the ability, if you will, to improve the operations of the Water Authority. Now, what do I mean by that? He gave his presentation at committee, and again it is part of the backup, that the new laboratory at the Water Authority is certainly a very important accomplishment under his tenure. And this new lab is considered, I can tell you among the professionals that I have spoken to, that this lab is among one of the best groundwater quality drinking laboratories in all of the United States. And that's something we can all be very proud of. And it's also, to use the word again, a singular achievement of Mr. Tripp during his time on the board.

Now, we've also had issues raised, and there were good legitimate issues that were raised, issues of how the Water Authority can do a better job in enforcing the prevailing wage and compliance laws in the State of New York. That was a issue -- Mr. Chairman, if I could have some order here, please.

P.O. TONNA:
I'm trying. I'm trying.

LEG. FOLEY:
So while Mr. Tripp's focus and expertises in the area of environmental quality and environmental protection, which is complimentary to its primary mission of purveying potable drinking water, the fact of the matter is, when he came before the committee, he had told the committee that he understands he had to speak with a number of Legislators, that there were a number of issues at the Water Authority that needs his attention, as well as the attention of other board members, among which -- primary among which was issue of prevailing wage enforcement. When he spoke about this issue at the committee,

questioning from the Chair and from myself and from others, he stated on the record that it would be appropriate for the Water Authority to have at least one, if not more professionals hired on staff in order to comply with all prevailing wage resolutions and all prevailing wage issues.

That being the case, I think that's the measure of the man that while his primary focus has been on the environmental end, that after speaking to a number of Legislators, he has given his commitment that it would be part and parcel of the board policy to ensure that prevailing wage compliance would, in fact, take place and to go the extra step that among the 600 employees at the Water Authority, he understands that they need to hire additional personnel in order to fully focus on the issue of prevailing wage. And I think that's a testament to his ability to grow in the job after these many years, and it's also a demonstration, if you will, of the kind of alert mind that he has where he's able to pick up the concerns of Legislators and run with the concerns that we have.

Now, if you look at his background, many of us have stated how highly credentialed that he is. If you look at his board services, if you look at his awards, if you look at his education, if you look at the number of publications, and I draw your attention to the last page, and this gets to the heart of the matter and why I'm rather passionate about this particular reappointment, because there's nothing more important than the fact we have clean drinking water here in this County. As Chair of the Health Committee, it's obvious to me and to others that without clean potable drinking water, we'd have a public health menace and public health problem in this County. Equally important for those who are from the development community, for those who are part of the economic interest of this County, our economy and our industry would literally go down the tubes so to speak if our water quality was compromised. If our water was compromised, our economy were compromised, we would lose jobs in this County. So the fact of the matter is having clean drinking water is not only a matter of good public health, a matter of good environmental approach, if you will, but it makes good economic sense as well.

So when you turn to the last page of publications, and this is something that speaks to the intellectual ability of this man and how he's been able to take his intellectual ability and apply it in the real world so that there would be in place safeguards within the administration of the Suffolk County Water Authority. Here it is, JTB Tripp and Adam Jaffey, here is the -- it was in the Harvard Environmental Law Review, not some fly by night publication, preventing groundwater pollution towards a coordinated strategy to protect critical recharge zones. This was published in 1979, Mr. Chairman, and I would submit to you that he has had that ability to

take it from an academic journal, bring it into so-called into the real world, have it applied to the administration of the Water Authority so that we have here in this County now some of the best water in all of this country. That doesn't happen by chance, that happens by deliberate design, something of which Mr. Tripp can take a lot of the credit for.

So those are some of the reasons why I'm supporting Mr. Tripp, why I'm

165

supporting Mr. Tripp, and why I've put his name forward. His environmental background is unparalleled, he has shown the ability to grow in the job by realizing that the Water Authority has to do a better job in the area of prevailing law enforcement. He's willing to adopt board policy that will create new positions so prevailing wage enforcement will take place. And I would hope, I would hope that we can pass this tonight, because those who have problems with others in the Water Authority, and there are people here who have some issues with Mr. LoGrande, and I can -- I can see where some would have some issues with Mr. LoGrande, but I would make this point, if you have a problem with a particular person on the board, then address it to that person, do not harm another person who has had a stellar reputation in order to make a point about another member on the Water Authority Board. I would hope that we could vote on this resolution in and of itself on the credentials of this person. And if people have issues about other members of the board, well then -- then bring something forward dealing with that particular person.

LEG. CARACCIOLO:
Mr. Chair.

LEG. FOLEY:
I urge strong support for this resolution. Thank you.

P.O. TONNA:
All right. Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. I'll keep my remarks very brief. I would echo what Brian just indicated in terms of if there's an issue with another individual at the Water Authority, let us take that issue up with that individual and not use someone, an intermediary in this case, as a fall guy. Clearly, the record, Mr. Tripp in the last 15 years, over the last 15, years speaks for itself. When the Legislature requested there be more ethics at the board, he was responsible for that. When we demanded that they beef up and create a new state-of-the-art laboratory, he was instrumental in seeing to it that that new laboratory came into existence. I could go on and sight a number of his achievements, I think we're all familiar -- most of us are familiar with them, but that's not really what the issue is here tonight.

I would also suggest of my republican colleagues that if we at the County level in Suffolk County cannot support Mr. Tripp, then I would encourage you to write to the Governor of this State and inform him, since Mr. Tripp has and continues to serve at the state level on Task Force that he's been appointed to by Governor Pataki beginning in 1996, again in 1999, through 2000 on the Governor's Superfund Work Group Task Force, and presently on the Greenhouse Gas Task Force. If we have a problem with Mr. Tripp, then by all means, initiate appropriate correspondence and tell him what our problems -- because I don't have a problem with Mr. Tripp, I'm not aware of anyone who really does have a problem with Mr. Tripp. I ask you to vote your conscience and vote your heart for a decent person and for the right reason.

166

P.O. TONNA:

Okay. Legislator Guldi and then roll call.

LEG. GULDI:

Mr. Chairman, man I just wanted the clarification of a parliamentary question. Are we not debating whether or not to waive the hour right now, or is this a motion to approve?

P.O. TONNA:

No. This is to approve.

LEG. GULDI:

Thank you.

P.O. TONNA:

Roll call.

MR. SABATINO:

The waiver occurred.

P.O. TONNA:

Roll call.

LEG. BISHOP:

This is on Tripp.

P.O. TONNA:

Yeah. Roll call.

(ROLL CALLED BY MR. BARTON)

LEG. FOLEY:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. BISHOP:

Yes, on Tripp.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

Abstain.

LEG. CARPENTER:

Yes.

167

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

No.

LEG. HALEY:

Abstain.

LEG. CARACAPPA:

Abstain.

LEG. TOWLE:

Abstain.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

Abstain.

LEG. FOLEY:
Motion to table.

LEG. FISHER:
Second.

P.O. TONNA:
Okay. Go ahead. Motion to table and a second? Roll call.

(ROLL CALLED BY MR. BARTON)

LEG. FOLEY:
Reluctantly yes, to table.

LEG. FISHER:
Yes.

LEG. COOPER:
Yes, to table.

LEG. BINDER:
Yes.

LEG. BISHOP:
I have a parliamentary inquiry, if I may. If this is tabled --

168

LEG. FOLEY:
You have to ask into the mike so it's part of the record.

LEG. BISHOP:
If this resolution is tabled, and a subsequent is approved making appointment to the same position that this one seems to make appointment to, does this one become alive? Is it still live at the next meeting? What occurs?

MR. SABATINO:
Well, the bill itself is alive, but in its current form it would be ineligible for approval.

LEG. BISHOP:
Thank you. Yes, to table.

LEG. NOWICK:
Yes.

LEG. CRECCA:
No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes, to table.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Pass.

LEG. CARACAPPA:

Nope.

LEG. TOWLE:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

No.

169

LEG. HALEY:

No.

MR. BARTON:

Thirteen.

IR 1496. Appointment of George Proios to the Suffolk County Water Authority Board.

P.O. TONNA:

Okay. I make a motion to waive the rules on Resolution Number 1496.

LEG. TOWLE:

Second.

P.O. TONNA:

Seconded by Legislator -- and the delay for one hour rule -- yeah, waive the one hour rule. Roll call.

LEG. FOLEY:

Motion to table.

LEG. FIELDS:

Second.

LEG. FISHER:

On the motion.

P.O. TONNA:

This is to waive the one hour rule.

MR. SABATINO:

In one minute it will be --

LEG. FOLEY:

It's an hour. You have the hour. You got the hour. So there's a motion to table.

P.O. TONNA:

Fine. Then I'll make a motion to approve, seconded by Legislator Towle.

LEG. FOLEY:

Motion to table.

P.O. TONNA:

Motion to table, seconded by Legislator Fields. Roll call.

LEG. FISHER:

On the motion.

P.O. TONNA:

On the motion to table?

LEG. FISHER:

Yes. I would encourage my colleagues to vote to table this. When we

initially discussed this particular position on the board, I was asked to hold off on introducing a resolution to appoint Mr. Tripp, because there were many questions that still needed to be answered regarding the Water Authority, and there was going to be a committee discussing Water Authority issues. And in good faith I did hold off on that resolution, and quite a few things have transpired in the past month

or two since that particular message or statement was made to me or request to wait. So if we're going to table one resolution, I think both should be tabled so that we can vote with a clear head, so that we can settle some of the peripheral issues that have nothing to do with the appointees, with the people whose names have been put here and set forth in these resolutions.

So I ask that we table this resolution so that both names can be in the committee and that we can discuss in committee -- actually, in the committee that the Presiding Officer had set aside to discuss Water Authority issues. I believe that's where we should be discussing the issues that are germane and pertinent to the problems that have been occurring lately.

P.O. TONNA:
Roll call.

(ROLL CALLED BY MR. BARTON)

LEG. FOLEY:
Yes to table.

LEG. FIELDS:
Yes to table.

LEG. COOPER:
Yes to table.

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. NOWICK:
No to table.

LEG. CRECCA:
No to table.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No to table.

LEG. LINDSAY:
Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No to table.

LEG. TOWLE:

No.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. POSTAL:

Yes.

P.O. TONNA:

No to table.

LEG. HALEY:

Change my vote to a no.

LEG. BISHOP:

No.

LEG. GULDI:

Yes to table.

MR. BARTON:

Nine.

P.O. TONNA:

Okay. There's a motion to approve and a second. Roll call.

(ROLL CALLED BY MR. BARTON)

LEG. TONNA:

Yes.

LEG. TOWLE:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:
Yes.

172

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Abstain.

LEG. ALDEN:
Yes.

LEG. FIELDS:
Abstain.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Abstain.

LEG. HALEY:
Yes.

LEG. FISHER:
Abstain.

LEG. CARACAPPA:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Abstain.

LEG. POSTAL:
No.

MR. BARTON:
11.

P.O. TONNA:
Thank you. Next resolution is Home Rule Message Number 3. It's been distributed to everybody. Requesting New York State Legislature to

allow Suffolk County to install and operate a red light camera program. There's a motion to basically waive the rules, lay it on the table and vote on it or whatever.

MR. SABATINO:

It's laid on the table. It's a motion to take it out of order and vote on it tonight.

P.O. TONNA:

Okay. Motion to take it out of order and vote on it tonight. Motion by Legislator Lindsay, seconded by Legislator Carpenter. All in

173

favor? Opposed?

LEG. HALEY:

Opposed.

LEG. CARACCIOLO:

Abstain.

LEG. GULDI:

Abstain.

P.O. TONNA:

Abstain, Legislator Caracciolo, Guldi and Haley.

MR. BARTON:

Legislator Haley, you're opposed or an abstention?

LEG. HALEY:

Opposed.

LEG. BINDER:

I'm also opposed.

P.O. TONNA:

Okay. Thank you.

MR. BARTON:

Fourteen-two.

P.O. TONNA:

Meeting adjourned.

(*THE MEETING WAS ADJOURNED AT 11:30 P.M.*)

{ } Indicates Spelled Phonetically

